"We feel there is a broader issue that perhaps could be addressed through separate legislation," Rep. Carfagna said of the latter change. "We are willing to remove this provision from the bill altogether from the bill and hopefully resume discussions about it probably not this General Assembly but maybe in the coming year."

Adam Schwiebert, policy analyst for the County Commissioners Association of Ohio, expressed mixed opinions of the legislation. He praised the amendment narrowing the scope of the proposal to limited home rule townships.

"To further strengthen the provision, additional language should be considered to require an (American Institute of Certified Planners)-certified planner to be on staff or under contract for those limited home rule townships that choose to not utilize their local zoning commission," he said. "AICP certification is the only nationwide, independent verification of planners' qualifications."

But he said his association opposes a provision relating to township road vacation and he urged counties be granted some of the same abilities the legislation currently grants to townships including: levying a countywide admissions tax and offering a single property tax for capital expenses for most public safety and infrastructure projects.

Representatives of the Milan Township, Vermillion Township and Liberty Township trustees submitted written proponent testimony.

HBLODGING TAX (Hambley, S., Arndt, S.) To authorize local elected officers that have levied a hotel lodging 530 excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices.

(CONTINUED; 3rd Hearing-All testimony-Possible amendments)

Larry Fletcher, president of Lake Erie Shores and Islands, said questions over whether a county commissioner may serve on a county visitor bureau board of trustees results in a "disconnect" and deprives those boards of needed experience. The law currently does not expressly state those two positions are compatible, he said.

He said a commissioner has served as a voting board member of the Ottawa County Visitors Bureau since 2007, and the arrangement was "extremely positive." He said he counts only a handful of times in which those members had to recuse themselves from a vote due to their dual roles.

"House Bill 530 as submitted provides a means for those who have benefitted from commissioner involvement on their boards to continue doing so and opens the door for other counties to follow suit," he said. "And it provides for counties that choose not to entertain this option to enact a more restrictive policy."

Rep. John Becker (R-Union Twp.) questioned whether there is a reason county visitor bureaus are not held to the same standard as public entities under public records and sunshine laws. Mr. Fletcher replied that in most cases those entities are operating as non-profits.

Would the witness be amenable to expanding those laws to cover those boards? Rep. Becker asked.

"We make our financial records and our minutes (public) and anybody is welcome to come to a meeting," Mr. Fletcher replied. "I would not necessarily oppose that."

HB STATE DOG (Rezabek, J.) To designate the Labrador Retriever as the official state dog. (CONTINUED; 2nd Hearing-All testimony)

Several elementary school students testified before the committee, asking support for the legislation to name the Labrador retriever the official state dog of Ohio.

"I thought that Ohio could use a state dog," fourth-grader Brynne Hartley said. "Dogs brighten up the lives of Ohioans, young and old. Virtually every Ohioan has been touched by a dog, unless of course they are allergic to dogs."

In addition to the half dozen student proponents, Albert and Mary Myers of Columbus voiced support. Mr. Myers, formerly of the U.S. Army, described his experience training military dogs, including labs.

The American Kennel Club and Ohio Valley Dog Owners Inc. also signaled their support in written testimony.

HB COUNTY PROSECUTORS (<u>Perales, R., Hambley, S.</u>) To allow a county prosecuting attorney to enter into <u>543</u> a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser. (CONTINUED; 2nd Hearing-All testimony)

Several aviation entities and the Ohio Association of Regional Councils signaled support for the legislation they said would expand legal assistance options for regional planning commissions and regional airport and port authorities.

Stacey Heaton of the Ohio Aviation Association said in written testimony the proposal would restore the prior ability for those groups to contract a county prosecutor as a legal adviser. That practice ended following a 2015 opinion from the attorney general's office.

"HB543 creates parity between airports owned by airport and port authorities and airports owned by a county or city; municipal or county airports already have access to legal assistance from a city attorney or county prosecutor, respectively," Ms. Heaton wrote.

Russ Kline, of the Dayton International Airport, and Josh Tattrie, of the Allen County Regional Airport, seconded that opinion.

"HB543 creates parity between airports owned by airport and port authorities and airports owned by a county or city; municipal or county airports already have access to legal assistance from a city attorney or county prosecutor, respectively," Mr. Kline said.

Brian Martin, president of the Ohio Association of Regional Councils, wrote to the committee that the council voted to support the legislation.

"It is our understanding that, although this practice was occurring over the years, the authority for county prosecutors to provide this advice and counsel was not specifically authorized in the Ohio Revised Code," Mr. Martin wrote. "HB 543 will correct this problem and each of these regional entities, if they so choose, may obtain legal services from county prosecutors under a contract approved by the local county commissioners."

HBANIMAL TREATMENT (LaTourette, S.) To establish requirements governing the chemical capture of 552 animals, prohibit the use of gas chambers when euthanizing an animal, and to make changes to the law governing euthanasia of an animal by lethal injection. (CONTINUED; 1st Hearing-Sponsor)

Rep. Sarah LaTourette (R-Chagrin Falls) said current law forbids the use of a tranquilizer gun by county dog wardens without the presence of a veterinarian. Instead, she said wardens must use a control pole or -- if the situation escalates -- shoot the dog.

"This not only puts our dog wardens at unnecessary risk, it is cruel to the animals they are attempting to handle," Rep. LaTourette said. "Safeguards are included in the legislation that require certified officers to obtain a classification from the State Board of Pharmacy prior to practicing chemical capture outside of the direct supervision of a veterinarian."

The legislation also prohibits animal shelters from using gas chambers to euthanize domestic animals. An exception would be made if the Veterinary Medical Licensing Board and the State Board of Pharmacy declare a shortage exists of approval lethal injection substances.

Lastly, the sponsor said her plan would no longer require wardens to sell unclaimed canines to teaching or research institutions for \$3 upon request.

"By eliminating this mandate language from code, the county dog warden still may sell such dogs to research and teaching facilities, but will not be mandated to do so and the dog warden may set the fee at which they turn over these dogs," she said.

HBFIREARM LAWS (Henne, M.) To expand the definition of dangerous ordnance to include armor piercing 585 ammunition and expand the definition of an automatic firearm to include any device within the federal definition of machine gun; to create additional conditions under which an individual may not possess a firearm or dangerous ordnance and to eliminate the process by which an individual may apply for relief from a weapons disability; to generally prohibit a person from buying, purchasing, obtaining, or furnishing a firearm on behalf of a third party; to provide for the entry of protection orders into the federal NCIC database and LEADS; and to provide for the issuance by a court of an extreme risk protection order. (CONTINUED (See separate story) (Earlier referred to State & Local Government); 1st Hearing-Pending referral)

Subscribers Note: For full testimony see the committee's website under April 10.

Government Accountability & Oversight

HBTAX LEVIES (Merrin, D.) To permit local tax-related proposals to appear only on general and primary 342 election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (CONTINUED (No testimony); 5th Hearing-All testimony-Possible amendments & vote)

Chairman Rep. Louis Blessing (R-Cincinnati) said he and the sponsor have had discussions with interested parties and will hold off on a vote or any amendments to the measure.

The committee did not hear testimony, but school board and local school administration groups previously submitted comments saying the measure would undermine their ability to pass levies.

HB TAX REFUNDS (Lanese, L., Dever, J.) To allow the Department of Taxation to provide taxpayers who file 441 electronic returns the option of receiving their income tax refund in the form of a prepaid card.

(CONTINUED (No testimony); 2nd Hearing-Proponent)

HB TAX CREDIT (Schuring, K., Patton, T.) To authorize a nonrefundable insurance company tax credit for 469 contributions of capital to transformational mixed use development projects. (CONTINUED-SUBSTITUTE: 6th Hearing-All testimony-Possible substitute)

A <u>substitute version</u> accepted by the committee made several changes to the definition of a "transformational mixed-use development" in the measure, Rep. Blessing said.

The new definition means a development must have a transformational impact from a quarter mile to a mile around, include a building that is 15 stories or more and have a development cost exceeding \$50 million, he said. It also must generate more new taxes than it would receive through the tax credit.

Sponsor Rep. Kirk Schuring (R-Canton) said the change stems from discussions with the Ohio Municipal League and other groups to ensure the credit is available to more cities across the state.

"We're just trying to make sure that the scope is broad enough so that other downtowns across the state of Ohio can participate," he said.

HB DRUG PRICE INFORMATION (Lipps, S., West, T.) Regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information. (CONTINUED (See separate story); 2nd Hearing-Proponent)

HB LIQUOR PERMITTING (Lanese, L.) To allow an outdoor refreshment area to include F liquor permit 522 holders. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

<u>HB</u>SPORTS GRANTS (<u>Schuring, K., Greenspan, D.</u>) To remove limitations on the amount of sports events https://mail-attachment.googleusercontent.com/attachment/u/0/?ui=2&ik=633a3672ae&view=att&th=162b2760265da873&attid=0.4&disp=inline&safe=1&zw&sadc

531 grants that may be awarded in a fiscal year or for a specific grant, and to fund the grant program by diverting state sales tax receipts to a custodial fund administered by the Director of Development Services.

(CONTINUED (No testimony); 4th Hearing-All testimony)

EB LEGAL MATERIALS (Skindell, M., Eklund, J.) To adopt the Uniform Electronic Legal Material Act. (REPORTED; 2nd Hearing-All testimony-Possible vote)

The committee voted unanimously to report the measure.

LSC Director Mark Flanders said the commission currently contracts out the publishing of legal material, costing about \$40,000 per year. If the proposal passes, the entity would continue to contract out those services, but the additional requirements such as authentication requirements would likely increase the cost of the contract.

"Since we'll be asking the contractor to provide more services, I anticipate the new contract will cost more," he said. "We don't think it will be a great deal more, probably under \$100,000."

The Ohio State Bar Association expressed support for the proposal in written testimony.

"The world is going digital," Todd Book, director of policy and government affairs for the OSBA, wrote. "We see more of our own members opting to receive information electronically instead of in print. Even the lawyer's sacred Greenbook is seeing a decline in the printed version and an increase in the electronic version."

"Just like the move from stone to papyrus, the move from print to electronic publications will not be stopped," he continued. "Given the inevitable, the procedures and guidelines outlined in Senate Bill 139 are needed."

SBAGENCY REVIEWS (Jordan, K.) To require standing committees of the General Assembly to establish a 79 schedule for the periodic review of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review. (CONTINUED; 1st Hearing-Sponsor)

Sponsor <u>Sen. Kris Jordan</u> (R-Ostrander) said in written testimony the proposal and its companion bill (<u>HB 51</u>) would allow the legislature to review 24 executive agencies every four years to ensure they remain confined to their intended scope and role.

It would allow lawmakers to consider if the public is being served in the most effective manner, if the agency's functions are unnecessarily redundant, and allow more questions on the necessity of occupational licensure if the agency is involved in that, he said.

The proposal aligns the biennial performance audits conducted by the state auditor with the legislative review process, he said.

"It should come as a surprise to nobody that government rules and policies, even those with good intentions at their root, will more often than not grow beyond their intended scope," he said. "A bloated government does not serve as a safeguard to the public but as a barrier to innovation, economic growth, and the liberties of Ohioans."

Education & Career Readiness

HB TEACHER EVALUATIONS (Gavarone, T., Manning, N.) With regard to teacher evaluations. 540 (CONTINUED; 2nd Hearing-Proponent)

Melissa Cropper, president of the Ohio Federation of Teachers, said her organization favors the measure, which has companion legislation in the Senate (SB 240).

"Ohio teachers are currently working under an evaluation system that uses testing data in an inappropriate and ineffective way to evaluate teachers by counting test results as a percentage of a teacher's evaluation," she said.

Jonathan Juravich, an elementary school art teacher in the Olentangy Local School District, also spoke in favor of the measure.

"HB540 would make the OTES process more coherent," said Mr. Juravich, the Department of Education's 2018 Ohio Teacher of the year. "By using student growth measures as a source of evidence in the conversations between educator and evaluator, we are emphasizing the importance of our impact on our students."

Jeanne Cerniglia, a math teacher and member of the Educators Standards Board, said evaluations of teachers play a key role in student learning.

"The proposed recommendations change the mindset of the education system in the state," she said.

Rep. Theresa Gavarone (R-Bowling Green), one of the bill's chief cosponsors, asked Ms. Cerniglia about the importance of approving the measure before summer.

Ms. Cerniglia said legislators should feel a "sense of urgency regarding the measure.

"We're all going to be good," she said. "We're OK, but that third-grader is not going to get that year back. So it's really important."

HB SCHOOL YEAR (Arndt, S.) To generally require public and chartered nonpublic schools to open for instruction after Labor Day. (CONTINUED; 1st Hearing-Sponsor)

Rep. Steven Arndt (R-Port Clinton) said the measure will give school-age children opportunities to pursue work experiences and address the state's "workforce shortage and skills gap."

"One way to address this problem is to connect kids with internships and summer jobs that will provide them with personal growth and cognitive skills" he said.

Mr. Arndt said the measure also would keep students out of school during some of the hottest days of the year.

"Adequate teaching and learning are severely inhibited in this environment," he said.

Rep. Michael Henne (R-Clayton) asked Mr. Arndt if there are potential economic-benefits for state businesses.

Mr. Arndt said his main focus is students, but said the measure could boost tourism-related businesses.

"That's not my primary focus," he said. "That's an added benefit."

Local school districts would be able to start classes before Labor Day, but the measure would require them to conduct a public hearing at least one month before approving an earlier start date.

"This would allow the public to share their concerns," Mr. Arndt said.

Rep. Catherine Ingram (D-Cincinnati) asked Mr. Arndt if the bill would lead to a conflict if a charter school chose to start early and the public district responsible for transporting students to that school did not.

"That issue is there whether this bill passes or not," Mr. Arndt said.

HB SCHOOL REPORT CARDS (<u>Duffey, M.</u>) To revise the state report card rating system for school districts and public schools. (CONTINUED (See separate story); Informal Hearing-Sponsor-Pending referral)

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Click the after a bill number to create a saved search and email alert for that bill.

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This Week At ALEC - 4/12/2018

1 message

American Legislative Exchange Council <tmclaughlin@alec.org>
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Thu, Apr 12, 2018 at 1:03 PM

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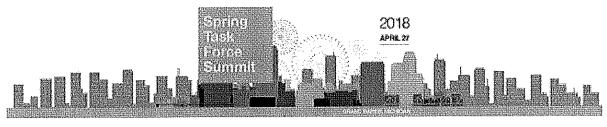
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STFS 2018

Be a Part of the Process at Spring Task Force Summit



<u>Draft Model Policy is now live on the ALEC website.</u> Review the policies for each task force, then register to come join ALEC at the Spring Task Force Summit and make sure your voice is heard in the debate. Register soon, the summit takes place **April 26th**, in **Grand Rapids**, MI. Contact <u>Mason Hunt</u> with any questions about the conference.

In addition, this year, to improve your conference experience, ALEC is launching a new app with meeting information, agendas, bios and more. Stay tuned for the app launch in the coming weeks.

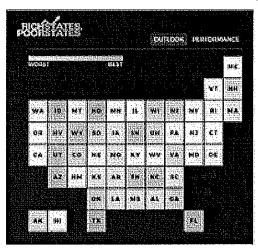
Register Here

Rich States, Poor States

11th Edition of Rich States, Poor States Coming Soon

American Legislative Exchange Council

The 11th edition of *Rich States*, *Poor States* is being released next week, on Tax Day, **April**



17th. Coalition partners and legislators can get an early look at the data on a conference call with the report authors next Monday, April 16, at 10:00 AM. Details for the call are forthcoming, but please RSVP with Christine Smith if you'd like further information.

Online Sales Tax

ALEC Submits Amicus Curiae Brief on Online Sales Tax Case (South Dakota v. Wayfair)

American Legislative Exchange Council

No. 17-191

IN THE
Supreme Court of the United States
SOUTH DAKOTA,
Petitioger.

\$*,

Respondent.

On Writ of Certiorari to the Supreme Court of South Dakota

Warfair, Inc. et al.

BRIEF AMICUS CURIAE FOR THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL IN SUPPORT OF RESPONDENT

JUNATION P. HAUENSCHEID

COURSE of Record
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Consisel for Anticus Curioc

Read Press Release

The American Legislative Exchange Council last week submitted an Amicus Brief to the Supreme Court urging the physical presence standard be upheld, as last ruled in Quill Corp. v. North Dakota. If the Court decides to rule against the physical presence standard in the upcoming case South Dakota v. Wayfair, states will be able to reach across their borders and heavily tax main street businesses, small businesses, and entrepreneurs. The brief was authored by Counsel of Record Jonathon Hauenschild, Joel Griffith and Bartlett Cleland.

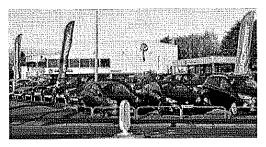
State Legislators, please consider signing the open legislator letter below concerning Online Sales Tax collection.

Read Letter

Expert Insight

Trump Administration Revises Fuel Economy Standards Impacting the Next Car You Buy Grant Kidwell I Energy, Environment and Agriculture

The Trump administration continued to cut regulatory red tape by announcing last Tuesday that the Environmental Protection

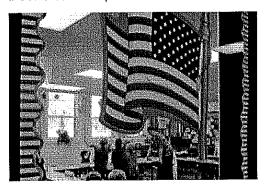


Agency will revise greenhouse gas and corporate average fuel economy standards set by the Obama administration. The change could even impact how much you spend on buying a new car.

Read Article

School Security

Firing Blanks: Why the Current Focus on Guns in Schools Won't Solve the School Safety Debate Inez Feltscher Stepman and Jonathon Hauenschild I American Legislative Exchange Council



After every school shooting tragedy, the same gun debates rage in America, pitting gun control advocates against Second Amendment supporters. Instead, ALEC is considering two non-firearm related solutions we hope will gain the backing of people across the political spectrum, regardless of where they fall in the national gun debate.

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Manage Your Constituent Relations Quickly and Easily with ALEC CARE

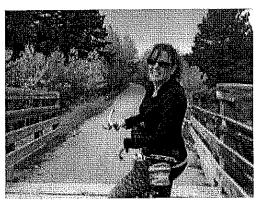


CHAPAC ELLA EL FEI (MANSAS ECHTE, ALFO CASA GERAND BANASA/PERAT AL SACE UNIVERSA ANNAS COMMUNE TELLÁ MA MINES ECHTÉMOTO COM ENTES ETTAPAS COMPOSEDA MA REGISSAMOS ESTADA SEU MUNICIPADO POTORIA POR LACEMONA. ALEC's wealth of resources doesn't stop with model policy. As an additional benefit, we are letting all members know that we've constructed an online platform for your daily constituent management tasks. The accounts we provide are specifically designed for your district, with pre-populated constituent profiles, allowing you to fill in notes, retain contact information, and even track issues of concern. To learn more and activate your personal account today, contact our C.A.R.E. Associate, Aaron Gillham, at agillham@alec.org.

ALEC-FreedomWorks Legislator of the Week

Looking Out For Taxpayers in South Dakota Representative Taffy Howard I SD-33

This week, ALEC and FreedomWorks introduce South Dakota State Representative Taffy Howard. Representative Howard is a proud Air Force veteran, mother, and community leader, who believes that hard-working South Dakotans



should be able to keep more of their paychecks. She also believes "The out-of-control increase in property taxes" is one of the larger isues facing her state.

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Ohio Report, Thursday, April 12, 2018

1 message

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OHIO REPORT

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OHIO REPORT THURSDAY, APRIL 12

Rosenberger Accelerates Resignation, Leaving Post Immediately

Sponsor, Advocates Continue Pressing For Wind Setback Change

Unions Call For Study Of Safety At Lucasville Prison

Judge Blasts OEPA, U.S. EPA For Handling Of Lake Erie Impairment Status

House District 84: Young Republicans Battle For Nomination

Cordray Campaign Touts Plan For Free Community College

Candidates Rolling Out TV Ads Ahead Of Next Month's Primary

Speaker's Resignation Makes Waves In Campaigns

DeWine Up By 10 In Poll; Brown, Balderson Tout Fundraising; Renacci Claims Momentum...

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Volume #87, Report #71 -- Thursday, April 12, 2018

Rosenberger Accelerates Resignation, Leaving Post Immediately

Facing calls to leave office immediately rather than wait until May 1, Cliff Rosenberger officially resigned his seat and exited the General Assembly on Thursday.

The former House speaker, who appears to be a target in an inquiry by the FBI, initially said he would resign his 91st District seat effective May 1.

But many officials - Democrats and Republicans alike - said he should leave office immediately.

Rep. Kirk Schuring (R-Canton), who will oversee the House as Speaker Pro Tem, felt the immediate resignation was in the chamber's best interest, House GOP spokesman Brad Miller said.

"Rep. Schuring's top priority is to ensure a smooth transition and to finish off the first half of the session calendar with a focus on passing important, meaningful legislation to help the people of Ohio," he added. "That process began with Rep. Schuring presiding over yesterday's busy voting session."

"After now having time to fully assess the responsibilities of the office of Speaker, address the operational aspects of the Ohio House, and resolve questions regarding who has the appropriate decision-making authority, Rep. Schuring felt it was in the best interest of the institution that Cliff Rosenberger resign effective immediately," Mr. Miller added.

Mr. Rosenberger's earlier-than-expected resignation could also set the stage for the House Republican Caucus to select a successor to Mr. Rosenberger, perhaps as soon as next week.

Ohio Democratic Party Chairman David Pepper said Mr. Rosenberger should have left office right away. "It was obvious that this should've happened at the beginning of the week, when Rosenberger announced he was planning to hang on for a few more weeks, and it's incredible that it took this long - and that the Republican caucus considered pushing through legislation related to the very industry at the heart of the scandal.

Reports have indicated that discussions on legislation regarding the short-term loan industry could have played a part in Mr. Rosenberger's resignation. (See <u>Gongwer Ohio Report, April 10, 2018</u>)

Sponsor, Advocates Continue Pressing For Wind Setback Change

Wind energy advocates and their allies in the legislature are renewing calls for lawmakers to pass legislation that would rework the state's turbine setbacks.

Their urging comes as Senate Republicans continue discussions over a potential substitute bill that might add a wind setback revision to existing legislation that would water down the states' renewable and energy efficiency requirements (HB 1144).

Sen. Matt Dolan and Rep. Bill Reineke appeared at a Statehouse press conference Wednesday to highlight the senator's legislation (SB 238) to walk back restrictions added at the last minute to an omnibus bill in 2014. Critics say that move crippled wind development in the state. (See Gongwer Ohio Report, May 20, 2014)

The press event showcased <u>a new report</u> from the Wind Energy Foundation and A Renewable America that contrasts counties with and without wind development. The report estimates existing wind projects will deliver \$54 million in payments to Ohio's rural communities by year's end through payments in lieu of taxes and land lease payments.

Representatives from Seneca and Sandusky counties, who say they're unable to move forward with wind projects under the current setback, voiced their envy of their counterparts in Paulding County who have existing wind farms. They described it as a tale of "haves" and the "have nots" and said those dollars can fund public services and school programming.

Sen. Dolan (R-Chagrin Falls) said the legislation would help not only wind-rich counties, but also other regions that could benefit from conducting maintenance, delivery, installation and other work on the turbines.

"In Ohio we enjoy 61 different companies throughout the state that are involved in the wind industry," Sen. Dolan said. "So this is in fact an Ohio bill. This is in fact improving Ohio's economy."

Rep. Reineke (R-Tiffin) said he looks forward to shepherding the legislation once it reaches the House.

"The people of Seneca and Sandusky counties - and potentially other Ohio counties in the future - stand to miss out on significant benefits unless we adopt a commonsense measure to fix our state's current property setback law for wind development," he said.

The Senate plan has received one hearing before the Senate Energy & Natural Resources Committee, although a nearly identical bill (SB 188) received several prior hearings last year before being scrapped following the abrupt resignation of chief sponsor and former Sen. Cliff Hite. (See Gongwer Ohio Report, December 7, 2017)

The Dolan bill, though, hasn't been heard since January as <u>Sen. Troy Balderson</u> (R-Zanesville) and <u>Sen. Bill Beagle</u> (R-Tipp City) - chairmen of the Senate energy and public utilities committees - continue efforts to hammer out a substitute version of the controversial HB114.

In addition to the standards language, that substitute bill is expected to roll in wind setback provisions in some form. The pair made their presentation to the caucus on the direction they'd like to take late last month but no consensus has been reached. (See <u>Gongwer Ohio Report, March 23, 2018</u>)

Sens. Balderson and Beagle said in interviews this week they had made no progress on the matter during the recent two-week legislative break but Senate <u>President Larry Obhof</u> on Wednesday predicted a sub bill would be ready "in the next few weeks."

In that case, the House objected and the language was removed during conference committee with House leaders saying the budget wasn't the appropriate place to have the discussion. (See <u>Gongwer Ohio Report, June 29</u>, 2017)

"I'm confident we're going to move wind," Sen. Dolan said in an interview. "We already voted for it. Now it's a question of what vehicle is going to come back (to the House)."

Rep. Reineke said he's working on educating and assuaging potential concerns among his House colleagues. Some House Republicans have questioned whether loosening the setbacks might negatively impact property owners and have even floated the idea of increasing the setbacks. (See <u>Gongwer Ohio Report, April 11, 2017</u>)

"We're working very hard on that," Rep. Reineke said. "In my district we have wind as a resource and some districts don't so we're trying to sell that issue that we have that resource and we should be able to use that as we see fit in that district."

Unions Call For Study Of Safety At Lucasville Prison

Two labor unions used the occasion of the 25th anniversary of the Lucasville prison riot this week to call for a task force on prison safety.

The Ohio Civil Service Employees Association and the Service Employees International Union/1199 urged the Department of Rehabilitation and Correction to create a joint task force to investigate decreased staff levels and new policies and procedures at the facility that they claim are putting staff in harm's way.

A spokeswoman for the state said issues would be discussed with the unions once an ongoing policy review is concluded.

In calling for a joint review, the unions also cited the attack on Matthew Mathias, a corrections officer who is still recovering from 32 stab wounds.

They said the mixing of inmates with different security levels was a factor in the incident.

"We need to change the way we treat inmates on the range and in escort situations," said Nick Brabsom, a corrections officer and union president at the facility. "Level 5 inmates need to be treated at the highest security level. And that means two officers per inmate. Period."

OCSEA President Chris Mabe said the prison "has the physical ability to separate higher security level inmates from others."

"And even if there is a mix of levels, the entire range should be treated as if all inmates are at the highest level," he added.

The unions also said growing mental health caseloads have become a problem at the facility.

Josh Norris, executive vice president of SEIU/1199, said the caseloads are not manageable.

"Not only are caseloads too high, the evaluations could be done on the range at the cellblock without having to move inmates," he said.

JoEllen Smith, spokeswoman for the Department of Rehabilitation and Correction, said in an email that the prison system will meet with its labor partners once it receives a final report from a national expert brought in to conduct a review of its policies.

"DRC remains committed to the operation of facilities that are safe and appropriately secure, especially our facilities that house extended restrictive housing offenders," she said.

"In the wake of this horrible attack on Officer Mathias, changes were implemented at the Southern Ohio Correctional Facility and DRC brought in a national expert to conduct an independent review of restrictive housing policies and procedures at all three of the facilities that house offenders in our most restrictive conditions of confinement. DRC will engage our labor partners once we receive the final report."

Wednesday marked the 25th anniversary of the 11-day riot at the prison that left nine inmates and a corrections officer dead.

Judge Blasts OEPA, U.S. EPA For Handling Of Lake Erie Impairment Status

A federal judge is accusing the Ohio Environmental Protection Agency of ignoring its duties under the Clean Water Act in recent years by declining to declare Lake Erie's waters impaired.

U.S. District Judge James Carr's order also gives the U.S. Environmental Protection Agency 30 days to reconsider its acceptance of the OEPA's 2016 report determining Lake Erie was not impaired under the federal https://mail-attachment.googleusercontent.com/attachment/u/0/?ui=2&ik=633a3672ae&view=att&th=162bca988ba53b32&attid=0.1&disp=inline&safe=1&zw&sac

The <u>ruling</u>, issued late Wednesday in the U.S. District Court's Northern District of Ohio, is tied to an ongoing lawsuit filed by environmental advocates, the Environmental Law and Policy Center and Advocates for a Clean Lake Erie, against the U.S. EPA.

Although the OEPA isn't a defendant in the case, Judge Carr's order included plenty of scathing commentary on the agency's handling of the situation over recent years.

He accused the state agency of "playing a game of administrative pushball" and generally sided with environmental advocates who sued in 2017 alleging the state and federal governments failed to adequately assess the extent of phosphorus in the lake's western basin. (See <u>Gongwer Ohio Report, July 20, 2017</u>)

"Ohio EPA has routinely failed to assess Lake Erie's open waters - those 'beyond the shoreline and drinking water intake' areas and site of the recurring toxic algae bloom," the judge wrote.

"Ohio's persistent failures came to a head in 2016," he continued. "That year, in its report to the U.S. EPA, the Ohio EPA explicitly refused to 'assemble and evaluate all existing and readily available water quality-related data and information' concerning Lake Erie's open waters."

OEPA spokesman James Lee said the agency is still reviewing the court's decision. He also referred to the OEPA's 2018 draft report released in March in which the agency announced it will for the first time declare the lake's western basin impaired. (See <u>Gongwer Ohio Report, March 22, 2018</u>)

OEPA Director Craig Butler said at the time the agency "remains committed to our obligations under the Clean Water Act and to examine emerging science and practices that we can put in place to help improve it."

But Judge Carr agreed with environmental groups that the OEPA should have done more to assess the lake instead of "compounding inaction with inaction."

Regarding the federal EPA, the judge accused federal regulators of failing to hold the state accountable when it repeatedly failed to redo its 2012 and 2014 reports so they fully complied with the Clean Water Act.

"Doing so, the U.S. EPA also gave the Ohio EPA both the opportunity and a mandate to cure those deficiencies and otherwise fulfill its CWA obligations," Judge Carr wrote. "Yet in the years that followed, Ohio ignored that opportunity and its duties."

He also blasted the U.S. EPA for withdrawing its prior approval of the state's 2016 report during the course of litigation - a legal maneuver that the judge said prevents him from issuing a final ruling on the case due to a lack of a final appealable order.

"As the (U.S. EPA) well knew, by withdrawing its approval, there is no final agency action subject to judicial review under the APA, which prevents me from adjudicating the merits of the plaintiffs' motion for summary judgment," the judge wrote.

Instead, he remanded the issue to the U.S. EPA and gave the agency a 30 day deadline to approve or disapprove the state's 2016 impaired waters list.

Lastly, the judge faulted the U.S. EPA for failing to adequately notify the court or plaintiffs that it was withdrawing approval of the 2016 plan - a failure that "amplifies the whiff of bad faith arising from the timing of its inexplicably delayed notice to plaintiffs' counsel," he wrote.

Howard Learner, executive director of plaintiff ELPC, applauded the ruling.

"The court agreed with our legal position that U.S. EPA and Ohio EPA have improperly dragged their feet for years instead of stepping up to take prompt and necessary actions to protect Lake Erie from toxic algae blooms,"

Mr. Learner said. "The judge's decision requires the U.S. EPA and Ohio EPA to issue strong standards to prevent pollution from agricultural runoff in order to avoid toxic algae blooms and protects safe clean drinking water in Lake Erie for people in the Toledo area."

House District 84: Young Republicans Battle For Nomination

Three Republican candidates, including a relative of the current member, are vying to replace Rep. Keith Faber (R-Celina) in the conservative 84th District.

Aaron Heilers, project manager for the Blanchard River Demonstration Farms Network, Susan Manchester, community outreach director at Big Brothers Big Sisters of West Central Ohio, and Rep. Faber's nephew, Travis Faber, an attorney at Faber & Associates, each see themselves as the best fit for the district that encompasses Mercer County and parts of Auglaize, Shelby and Darke counties.

Mr. Heilers, 33, earned a bachelor's degree in agriculture from Ohio State University before working for eight years for the soil and water conservation districts in Miami and Auglaize counties. The married father of three also operates a grain farm and a wine grape vineyard.

Ms. Manchester, 30, graduated from OSU after studying political science and psychology before heading to Washington to work for <u>U.S. Rep. Jim Jordan</u> (R-Urbana). Prior to her time in D.C., she did an internship with Campus Crusade for Christ in Venezuela.

Mr. Faber, 29, received his J.D. from Ohio Northern University. He serves on the board of directors for the CA Group, Inc. and is an executive member of the Mercer County Bar Association.

Mr. Faber said he received encouragement to run for the seat from his uncle and private citizens.

"I wanted to help out my community and I thought this would be one of the best ways to do that," he said.

The lawyer, who is licensed to practice in both Ohio and Indiana, said his top issues are boosting the economy, protecting Second Amendment rights - he is a competitive shooter - and restricting abortions.

"When it comes to protecting life, we should be doing whatever we can to overturn Roe v Wade," he said.

Mr. Faber believes his message of less government will resonate in the district.

"I'm running for state representative because I know I can be one of those strong conservative voices," he said.

Ms. Manchester, who worked for the campaign of President Donald Trump, said she decided to run for the seat after working in Washington and seeing a disconnect between politicians and people.

"I wanted to come back and reinvest in the community that first invested in me," she said.

Calling herself a "pro-life, pro-Second Amendment, fiscal conservative," Ms. Manchester said she also wants to tackle the opioid epidemic and the economy.

"I'm looking to get the government out of you way so people can really do what they do best," she said.

Ms. Manchester said her time spent working for Mr. Jordan will prove to be an asset for the district.

"I know what it takes to be fiscally responsible and make sure we are being good stewards of taxpayer dollars," she said.

A member of the Shelby County Farm Bureau, Mr. Heilers said he got in the race to ensure that the agricultural community continues to have a voice in Columbus.

"I think it's crucial to have that representation," he said.

While agriculture is his top issue, Mr. Heilers said he will also be a voice against abortion, for economic freedom and for restoring funding to local governments.

"That is something that is very important over here for my district," he said.

Mr. Heilers believes that his involvement in the community will propel him to victory in the primary election.

"The life experience that I have over the other candidates sets me apart," he said.

The winner of the race will likely face Democrat Joe Monbeck in the general election.

Subscribers Note: This story is part of a series focusing on key primary races for Ohio legislative seats. See Gongwer's <u>Election Page</u> for more information on 2018 contests, including our <u>Key Races</u>.

Cordray Campaign Touts Plan For Free Community College

The statewide group representing two-year higher education institutions is welcoming Democratic gubernatorial candidate Rich Cordray's proposal to provide Ohioans a free ride at community colleges.

Mr. Cordray said the state would reap rewards from providing easier access to higher education.

"Too many people in Ohio are being held back because they simply can't afford the training they need for indemand jobs, and too many businesses are struggling to expand because they can't find qualified applicants to fill openings," he said in a campaign release. "Free community college means we can close that skills gap and create greater economic opportunity for all Ohioans."

Mr. Cordray's plan also calls for an increased number of advisors working in the state's community colleges to assist students in graduating sooner, as well as the expansion of Columbus State Community College's Preferred Pathways program throughout the state. The program assists students with admission to four-year colleges and provides academic and career counseling.

Jack Hershey, president and CEO of the Ohio Association of Community Colleges, said in a statement he appreciated Mr. Cordray's plan did not stop at providing tuition.

"While most college promise programs are simply designed to increase access, we believe that this approach will result in more graduations and greater success that will move all students forward, regardless of their age, background or socioeconomic status," he said.

Mr. Cordray's plan does not address the cost of covering tuition at community colleges for residents throughout the state.

Mr. Hershey acknowledged additional discussions are needed to determine how the state would fund such a plan.

Candidates Rolling Out TV Ads Ahead Of Next Month's Primary

With less than a month until primary day, candidates are increasingly taking to the airwaves to get their messages out to voters.

Rich Cordray this week released his first television ad in his gubernatorial bid, which seeks to reintroduce the former state attorney general to Democratic primary voters.

"Watchdog" highlights Mr. Cordray's role as the first director of the Consumer Financial Protection Bureau and prominently features former President Barack Obama.

550

"Ohio's Richard Cordray, appointed by President Obama to lead the Consumer Bureau," the narrator says in the spot. "Rich took on payday lenders, big banks, and student loan schemes that profit at your expense, and he won. Now, he's running for governor because for Rich Cordray, fighting for people is what he does."

Cleveland-area businessman Mike Gibbons also launched a statewide television ad buy, his campaign announced Thursday.

In "<u>Telling the Truth</u>," the U.S. Senate candidate touts his lack of political experience and his opposition to earmarks and amnesty for illegal immigrants.

"I'm going to go to Washington to tell the truth, I want to represent Ohio, and I want to get some things done," he says in the 30-second spot.

Republican congressional hopeful Anthony Gonzalez is out with his second television ad, his campaign announced.

The 30-second spot, "Suit Up," briefly features clips of the former Ohio State wide receiver's playing days and a vow to work with President Donald Trump.

"Rise early, suit up," the narrator says. "Put in the work, for our families - our teammates. Anthony Gonzalez is Northeast Ohio."

Rep. Larry Householder (R-Glenford), a speaker hopeful, is also up with an ad in the Columbus media market.

The former speaker is featured shooting a television airing an anti-Householder ad in "Stick to Our Guns."

"I'm Larry Householder. I'm a pro-gun, pro-life Christian conservative, and I had the highest NRA rating in Ohio's history," he says in the spot. "The establishment doesn't like that. That's why a dark money group is airing deceitful ads against me. They're anti-Trump gun-grabbers and they use the kind of swamp politics that you and I aim to end. But they're in for a fight, because where I come from, we stick to our guns."

The <u>ad running against Mr. Householder</u> and for his primary opponent Kevin Black are backed by a super PAC registered in Virginia called the Honor and Principles PAC.

Speaker's Resignation Makes Waves In Campaigns

The fallout from the resignation of former Speaker Cliff Rosenberger (R-Clarksville) continued Thursday.

Democratic gubernatorial candidate Rich Cordray took to Twitter to call out the Republican frontrunner in the race, <u>Attorney General Mike DeWine</u>, for having a conversation with Mr. Rosenberger after it was revealed that there is an FBI inquiry into his spending habits.

"This is a troubling situation with <u>@MikeDeWine</u>. He was worried about his political situation and hastily inserted himself in the middle of an FBI investigation," he <u>Tweeted</u>. "Now they will have to investigate his discussions with the disgraced Speaker. He must pledge to cooperate with FBI!"

Ryan Stubenrauch, a spokesman for the campaign of Mr. DeWine, ripped the comments in an email.

"Richard Cordray's blatant and bizarre tweets trying to turn Mike DeWine's leadership on this issue into a political attack are foolish," he said.

Later in the day Mr. Cordray compared the current political environment to that of 2006 when Democrats rode a wave of scandal to nearly sweeping all five statewide races.

"In 2006, the Coingate scandal rocked the Statehouse and helped elect Democrats to state office to clean up the corruption," he Tweeted. "This year's scandals - the ECOT scandal and now the pay-to-play-payday-lending

scandal that has just broken wide open - will change the races this year."

Lt. Gov. Mary Taylor, who was the only statewide GOP candidate to survive the 2006 wave, issued a statement calling on Mr. DeWine to cooperate with any investigation.

"Mike DeWine needs to come clean on everything he knew about this mess and when exactly he knew it," she said. "Ohioans deserve to know if the state's ranking law enforcement officer improperly interfered in an ongoing investigation to protect his own political interests. The best way to do that is to give a full accounting to the FBI about the impetus and details of that phone call."

The congressional campaign of Sen. Troy Balderson (R-Zanesville) on Thursday called for Mr. Rosenberger to step down immediately just hours before he did so.

The speaker's former top aide, Mike Dittoe, is running Sen. Balderson's campaign. In a statement the candidate said he donated a campaign contribution from Mr. Rosenberger's reelection campaign to a Christian homeless shelter in the congressional district.

"When the federal probe was made public and prior to the announcement of his resignation, my campaign made a swift decision to donate a \$1,000 contribution from the Committee to Elect Cliff Rosenberger to a Christian homeless shelter who will put the money to good use," he said.

In other cases, Democrats have tried to tie their opponents to the probe of Mr. Rosenberger, including Sharon Sweda, who is running against Rep. Nathan Manning (R-N.-Ridgeville) for a seat in the Senate, and Laura Friedman, who is aiming to block Rep. Kirk Schuring (R-Canton) from pulling off another seat swap.

DeWine Up By 10 In Poll; Brown, Balderson Tout Fundraising; Renacci Claims Momentum...

A poll released Thursday by the gubernatorial campaign of Lt. Gov. Mary Taylor showed her trailing Republican frontrunner and Attorney General Mike DeWine by 10 points, 42-32%.

Conducted by the Remington Research Group, the poll also found Mr. DeWine to have a higher approval rating (42-33%) than Ms. Taylor (29-24%).

President Donald Trump was found to have an approval rating of 75-17% among likely Republican primary voters, 24% of whom described themselves as "Trump Republicans," second to only "Christian conservative" at 40%.

Ms. Taylor's campaign touted the poll, saying it amounts to a 22-point swing since the release of SurveyUSA poll conducted last month. The campaign attributed the gap closing to its recent attacks on the attorney general.

Brown Fundraising: The reelection campaign of U.S. Sen. Sherrod Brown announced it raised \$3.3 million in the first quarter of 2018.

The fundraising haul gives the Cleveland Democrat \$11.8 million on hand, nearly doubling his total at this time in the 2012 cycle.

"No one fights harder for Ohioans than Sherrod Brown and it's clear Ohioans are rallying around Sherrod in his reelection campaign," campaign manager Justin Barasky said in a release. "We are grateful for the support of grassroots donors across our state. With their help, we can take on the special interests and dark money groups who will spend millions to try to buy Ohio's U.S. Senate seat."

Renacci: On the other side of the race, the campaign of U.S. Rep. Jim Renacci (R-Alliance) is touting a POLITICO survey that found Mr. Brown holds a lead of just 1% over Mr. Renacci, 41-40%.

Brittany Martinez, the campaign's communications director, in a statement also pointed to findings in the survey that the approval rating of President Donald Trump stands at 58% in Ohio.

"Jim Renacci is proud to have the full support of the Trump White House and will continue to work with the president to fight for Ohio's interests in the United States Senate," she said.

Balderson Fundraising: The congressional campaign of <u>Sen. Troy Balderson</u> (R-Zanesville) announced that it has raised more than \$410,000 and placed more than \$225,000 in media buys through the May 8 election.

In a statement the candidate said he is humbled by the financial support he has received in his bid to replace former <u>U.S. Rep. Pat Tiberi</u>.

"There has been an overwhelming outpouring of support throughout each community in this district because we need a conservative in Congress who can get things done for this district," he said. "As a former farmer, small-business operator, and as a conservative state legislator, I am the best candidate to represent the people of the 12th Congressional District because I have the experience and the determination to get things done."

Sen. Balderson also announced that he received an "A" rating from the NRA Political Victory Fund.

Russell Endorsement: On the Democratic side of the race, the campaign of John Russell announced that it has received the endorsement of former Rep. Marian Harris, the founder of Ohioans for Gun Safety.

Ms. Harris in a statement called Mr. Russell "a grassroots leader, with a demonstrated history of fighting for workers and the middle class."

"It takes a smart campaign, a committed candidate and a message that speaks to the entire district," she said.

"John's progressive, grassroots campaign has been working to win, not just in Franklin County, but the district as a whole."

Ryan Retirement: One of the Democrats vying to replace Rep. Renacci weighed in on the decision of U.S. House Speaker Paul Ryan (R-Wis.) not to seek reelection.

Grant Goodrich said the resignation announcement is "confirmation that Republican leaders see the writing on the wall."

"They know their days of extremism and misrule are coming to an end. While Speaker Ryan won't be in the Congress next year to see the consequences of his failed leadership, I am confident I will be," he said in a release.

Democratic Debate: The Ohio Environmental Council praised the final Democratic gubernatorial debate before the May 8 primary.

Hannah Tyler, deputy director of the Ohio Environmental Council Action Fund, said in a release that she was "excited to hear a discussion on the health of Ohio's waterways and a path forward on clean energy."

"With the clean air and drinking water of millions of Ohioans hanging in the balance, environmental protections are among the most critical issues facing our state," she said.

"A robust discussion of real problems and potential solutions is necessary to ensure the health of our environment for future generations. I hope to see a similar conversation at any Republican gubernatorial debates."

Labor Backing: The campaign of Michael Canty announced he has received the endorsements of several trade unions in his bid to replace Rep. Marlene Anielski (R-Walnut Hills).

The unions backing his candidacy are Cement Masons' Local Union No. 404, Sheet Metal Workers International Association Local Union No. 33, United Food & Commercial Workers Union Local 880, Ohio-Kentucky Administrative District Council of Bricklayers and Allied Craftworkers

"I believe these workers and their organizations will be significant allies in our push to broaden and intensify advanced workforce training in Northeast Ohio," he said in a statement.

Women Candidates: EMILY's List announced the endorsement of <u>11 Democratic women</u> in legislative races, including Rep. Nickie Antonio (D-Lakewood) and <u>Sen. Sandra Williams</u> (D-Cleveland).

President Stephanie Schriock in a statement said "recent efforts of Ohio's Republican state legislature to pass the most radical anti-choice legislation in the country illustrates exactly why Ohio women and families need new and better leadership."

"These 11 pro-choice, Democratic women have stepped up to challenge these discriminatory policies and defend working families," she said. "They are the fighters that Ohio's women and working families deserve to protect access to quality, affordable health care and expand economic opportunity."

CPAs Endorse: The Ohio Society of CPAs also announced that it is backing <u>11 candidates</u> in legislative races, including two Democrats.

OSCPA Vice President Barbara Benton said in a statement "it's important that we champion those candidates who support a healthy, simplified business climate."

"Having the right people at the table is especially important as we work to help drive economic development in our state, and push for positive changes to Ohio tax and other regulatory policies," she said.

Strickland Endorsement: Former Gov. Ted Strickland is backing Rick Neal in his bid to oust <u>U.S. Rep. Steve</u> <u>Stivers</u> (R-Columbus).

Mr. Strickland in a statement said Mr. Neal is committed to fighting for jobs and quality health care and coming up with a solution to combat the opioid crisis.

"His experience as a public health professional and humanitarian advocate for refugees represents the kind of passion and leadership Ohio families need in their elected officials," he said.

Candidate Disavowed: In an unusual move, the Ohio Democratic Party is telling voters not to cast a ballot for one of the three candidates vying to take on <u>U.S. Rep. Brad Wenstrup</u> (R-Cincinnati) in the general election.

ODP Chairman David Pepper in a statement urged primary voters to cast their ballots for Jill Schiller or Janet Everhard and to reject the candidacy of William Smith.

"Unfortunately, voting for William Smith in the Democratic primary would ensure Wenstrup escapes accountability from his constituents for yet another term. Smith has run in the Democratic primary for three consecutive cycles, and with his generic ballot name - and perhaps an assist from an unregistered super PAC that made robocalls supporting him in 2012 - he has managed to sneak through two times," Mr. Pepper said.

"In two general elections over the past six years, Smith has made no attempt to campaign, raise funds or talk with voters. Because he does not take the responsibility of being a candidate seriously, he deprives the voters of a real choice."

Cordray Campaign: Democratic gubernatorial candidate Rich Cordray is set to campaign on Friday with U.S. Sen. Elizabeth Warren (D-Mass.), the campaign announced.

At 10 a.m. the two will tour the Cincinnati Health Network and hold a roundtable discussion followed by a 2:30 p.m. event at Newport Music Hall on the campus of Ohio State University.

Agency Briefs: Naloxone Rebate Extended; BWC Awards Grants; OEPA

A state rebate agreement that has saved state and local agencies more than \$730,000 on the cost of naloxone has been extended another year, <u>Attorney General Mike DeWine</u> announced Thursday.

The agreement with Amphastar Pharmaceuticals, Inc., will let non-federal public entities in the state receive a \$6 rebate for each naloxone syringe purchased through March 2019.

The <u>rebate</u> saved 127 <u>agencies</u> a total of \$732,384 on naloxone purchases from March 2015 to December 2017, according to the AG's office.

"This rebate has had a major impact on the cost associated with using naloxone to save lives," Attorney General DeWine said in a statement. "Those battling addiction deserve the chance to recover, and by securing this rebate for Ohio, agencies have saved hundreds of thousands of dollars off of the normal price for this drug."

The AG's office said the rebate amount will increase if the company raises the wholesale price of naloxone during the terms of the agreement.

Eligible agencies include state agencies, law enforcement, fire departments, emergency medical services, county health departments, Project DAWN programs and other county or local government entities.

Workers' Compensation: The BWC announced two sets of grants this week, one totaling more than \$1.5 million for 73 employers in 40 counties, and another for nearly \$370,000 for 37 fire departments.

The first set of grants are designed to help employers buy equipment designed to reduce or eliminate workplace injuries and illness. The recipients will receive funding to match their investment three-to-one, up to \$40,000, per the BWC.

"Workers are employers' most important asset, and preventing accidents can keep them healthy and productive," Administrator/CEO Sarah Morrison said in a statement. "Employers investing in safety should consider applying for a safety grant and making use of the many BWC services that can help reduce claims and lower costs."

The grants for fire departments are intended to help the agencies buy safety gear, exhaust systems and specialized washing machines as part of an effort to reduce residue that can cause respiratory disease, cancer and other conditions.

The program was originally funded at \$2 million per year, but the BWC announced last month it would more than double the funding due to increased demand.

"The fire community's tremendous response to this program shows they understand the importance of equipping every firefighter with the appropriate protective gear," Administrator Morrison said. "BWC is pleased to be part of the effort to increase awareness while funding equipment that can limit serious health consequences down the road."

Ohio EPA: The agency set a public meeting for April 24 to discuss and receive comments on the <u>preferred plan</u> to address the former Kilgore Manufacturing property in Westerville.

The information session and public meeting will begin at 6 p.m. April 24 at the Austin E. Knowlton Center for Equine Science, 600 N. Spring Rd. in Westerville.

EPA representatives will present information and answer questions about the plan for the 40-acre site, which was used to manufacture explosives and incendiary materials between 1941 and 1962. The property is currently owned by Otterbein University.

The EPA's preferred plan includes excavation and off-site disposal of soil and contaminated sediment, along with an environmental covenant limiting the property to recreational and non-residential uses.

Comments can be submitted at the hearing, by <u>email</u> or by mail to Robin Roth, site coordinator, Ohio EPA Central District Office, P.O. Box 1049, Columbus, OH 43216 by May 8.

Governor's Appointments

Ohio Higher Educational Facility Commission: John C. Adams, CFA of Upper Arlington for a term beginning April 12, 2018, and ending January 1, 2020.

Petroleum Underground Storage Tank Release Compensation: Stephen L. Hightower II of Middletown for a term beginning April 12, 2018, and ending July 10, 2020.

Supplemental Agency Calendar

Wednesday, April 18

Construction Industry Licensing Board, 6606 Tussing Road, OCILB Conference Room, Reynoldsburg, 10 a.m. (Administrative Section)

Credit Union Council, 77 South High Street, 21st Floor, Columbus, 10:30 a.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Thursday, April 19

School Employees Retirement System, 300 E. Broad St., Columbus, 8:30 a.m.

Supplemental Event Planner

Tuesday, May 22

Rep. David Leland (D-Columbus) fundraiser, Market 65, 65 East State Street, Columbus, 5:30 p.m., (Guest - \$250; Host - \$500; Sponsor - \$1,000; Gold Sponsor- \$2,500 to Friends of David Leland)

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Legislative Committee Schedules beginning 4/13/2018

Monday, April 16

Joint Committee on Agency Rule Review (Committee Record) (Chr. <u>Uecker, J.</u>, 644-6030), Senate Finance Hearing Rm., 1:30 p.m.

Tuesday, April 17

Senate Insurance & Financial Institutions (Committee Record) (Chr. Hottinger, J., 466-5838), Finance Hearing Rm., 9:30 a.m.

• Confirmation hearing on governor's appointments of Fred DeBiasi, Jr, Banking Commission and Duana Patton and Catherine Cawthon, Ohio Housing Finance Agency

SB PHARMACY SERVICES (<u>Dolan, M.</u>) To permit certain health insurers to provide payment or <u>265</u>reimbursement for services lawfully provided by a pharmacist and to recognize pharmacist services in certain other laws. (1st Hearing-Sponsor)

<u>SB</u> RATING AGENCIES (<u>Hackett</u>, <u>B.</u>) To enact for the Revised Code a definition of the term "rating agency." <u>273</u>(1st Hearing-Sponsor)

<u>SB</u> HEALTH PLAN CLAIMS (<u>Huffman, M.</u>) To require health plan issuers to release certain claim <u>227</u>information to group plan policyholders. (4th Hearing-All testimony-Possible amendments)

SB NOTARY PUBLIC (<u>Huffman, M., Wilson, S.</u>) To enact the Notary Public Modernization Act. (2nd <u>263</u>Hearing-Proponent)

WORKERS COMPENSATION (LaRose, F., Brown, E.) To make peace officers, firefighters, and 118 emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers'

Compensation Law for up to one year and to prohibit such a person from receiving a disability benefit from a state retirement system for post-traumatic stress disorder arising from employment without an accompanying physical injury during the time period the person receives compensation and benefits under the Workers' Compensation Law for the disorder. (2nd Hearing-Proponent)

Senate Agriculture (Committee Record) (Chr. Hackett, B., 466-3780), South Hearing Rm., 4 p.m.

 Confirmation hearing on governor's appointments of Theresa Blocher, State Auctioneers Commission and James Tomaszewski, Jr., Jerry Lahmers, DVM and Jeffrey LeJeune, DVM, Ohio Livestock Care Standards Board

HB DOG BREEDERS (Hill, B.) To revise the law governing high volume dog breeders. (1st Hearing-Sponsor) 506

<u>HB</u> APIARY DAMAGES (Stein, D.) To grant specified apiary owners immunity in personal injury or property 392 damage cases involving bee stings. (1st Hearing-Sponsor)

SB VETERINARY MEDICINE (Thomas, C.) To allow a licensed veterinarian to receive up to two continuing

232 education credits per biennium for performing free spaying and neutering services. (3rd Hearing-All testimony)

SR ALFALFA PRODUCTS (<u>LaRose</u>, F.) To recognize the existence of two alfalfa products in light of the <u>382</u> recent action of the Ingredient Definition Committee of the Association of American Feed Control Officials. (3rd Hearing-All testimony)

<u>HB</u> OFFICIAL STATE STRUCTURE (<u>Gonzales</u>, <u>A.</u>) To designate the barn as the official historical <u>12</u> architectural structure of the state. (3rd Hearing-All testimony)

Wednesday, April 18

Senate Ways & Means (Committee Record) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

HBENERGY TAX EXEMPTION (Schaffer, T.) To expand the scope of a sales and use tax exemption for 430 certain kinds of property used in the production of oil and gas. (3rd Hearing-Opponent)

HBDISASTER WORK (Ryan, S.) To create the Disaster Relief Act to exempt out-of-state disaster businesses 133 and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster. (3rd Hearing-All testimony)

SB VISITORS BUREAUS (Peterson, B.) To authorize local elected officers that have levied a hotel lodging 252 excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices. (3rd

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

• If needed

Hearing-All testimony)

House Session (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

• If needed

Canceled: Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

· If needed

Thursday, April 19

Joint Education Oversight Committee (Committee Record) (Chr. Manning, G., 466-8150), Senate South Hearing Rm., 8:45 a.m.

- Presentation on Value Added by John White and Jennifer Bell of the SAS EVAAS Group
- Update on progress of other research projects (tentative)

Joint Medicaid Oversight Committee (Committee Record) (Chr. Huffman, S., 466-7584), North Hearing Rm., 9 a.m.

- Vote on Optumas FY 19 contract
- Update from State Medicaid Director Barbara Sears on behavioral health integration and the Medicaid budget

House Session (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1 p.m.

· If needed

Wednesday, April 25

Tax Expenditure Review Committee (Chr. Oelslager, S., 466-0626), Senate Finance Hearing Rm., 10 a.m.

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

NOTE: Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

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Daily Activity Planner for Friday, April 13

Legislative Committees

No legislative committees scheduled.

Agency Calendar

Board of Building Standards, Training Rm. 1, 6606 Tussing Rd., Reynoldsburg, 10 a.m.

Ethics Commission, Rm. 2, 2nd Fl., 30 W. Spring St., Columbus, 11:30 a.m.

Event Planner

Ohio Democratic Party Legacy Dinner, Hyatt Regency Columbus, 350 N. High St., Columbus, (Keynote speaker: Former Attorney General Eric Holder)

17 S. High St., Suite 630 Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

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Sarah LaTourette Kayser < latoursm@gmail.com>

Reminder: Special Preview of the 2018 Rich States, Poor States Economic Outlook Rankings

1 message

Jonathan Williams <jwilliams@alec.org> To: latoursm@gmail.com

Sat, Apr 14, 2018 at 12:00 PM

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Dear Friends,

I am pleased to announce the upcoming release of the state rankings from the 11th edition of Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index. The empirically-based analysis contained within the pages of Rich States, Poor States demonstrates which state economic policies lead to greater opportunity and which policies hinder job growth and overall economic prosperity. Many sizeable moves within the rankings took place this year, so you won't want to miss the chance to preview how your state ranks before the rankings are released on Tax Day.

Join us for an exclusive conference call to preview the findings with economists Dr. Arthur Laffer and Stephen Moore.

In addition, click here to download the coalition toolkit and social media samples.

WHAT: Conference call to discuss the new 2018 Rich States, Poor States economic competitiveness rankings

WHEN: Monday, April 16 at 10:00 EST RSVP: Christine Smith at csmith@alec.org

I hope you will be able to join us. Please do not hesitate to contact me if you would like to partner with us to get this information to your colleagues, members or constituents in your state.

All the best,

Jonathan Williams

Chief Economist I ALEC Vice President I ALEC Center for State Fiscal Reform jwilliams@alec.org | @taxeconomist 571-482-5066

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Sarah LaTourette Kayser < latoursm@gmail.com>

Introducing the 11th Edition of Rich States, Poor States

1 message

American Legislative Exchange Council <tmclaughlin@alec.org>
To: latoursm@gmail.com

Tue, Apr 17, 2018 at 12:05 PM

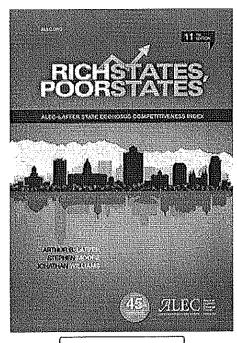
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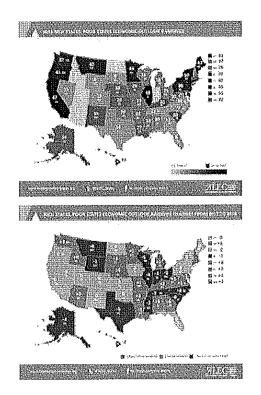
It's Tax Day, and That Means...

The brand-new, 11th Edition of <u>Rich States</u>, <u>Poor States</u> is here. Co-Authored by ALEC Chief Economist Jonathan Williams, White House Advisor Stephen Moore, and "Father of Supply-Side Economics" Dr. Arthur Laffer, <u>Rich States</u>, <u>Poor States</u> compares state economic data across 15 different factors to compile rankings for state economic outlook and economic performance. <u>Click here to visit richstatespoorstates.org</u>, where you can see the newest data, find where your state ranks and compare it against other states and historical trends to see the impact of tax reform and strong and weak economic policies.

Publication and Resources



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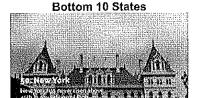
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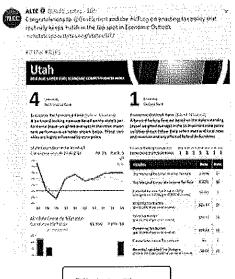
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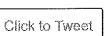


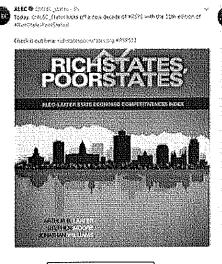
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Tweets to Share About Rich States, Poor States 11th Edition









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Questions? Comments? Interested in Doing More?

ALEC is always grateful to find those who believe in the cause of strong economic policy and wish to help the organization spread the message. If you have any questions about the publication, or want to help spread the impact of this report, reach out to media@alec.org and let ALEC know. Also be sure to share the report and accompanying resources far and wide to help drive our message.



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This Week At ALEC - 4/19/2018

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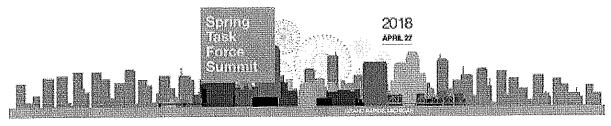
ALEC Digital Exchange - April 19, 2018



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STFS 2018

Be a Part of the Process at Spring Task Force Summit



<u>website.</u> Review the policies for each task force, then register to come join ALEC at the Spring Task Force Summit and make sure your voice is heard in the debate. Register soon, the summit takes place April 26th, in Grand Rapids, MI. Contact Mason Hunt with any questions about the conference.

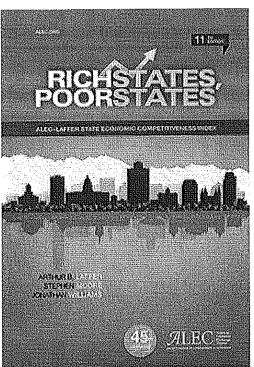
In addition, this year, to improve your conference experience, ALEC is launching a new app with meeting information, agendas, bios and more. Stay tuned for the app launch in the coming weeks.

Register Here

Rich States, Poor States

The 11th Edition of *Rich States, Poor States* Has Been Released American Legislative Exchange Council

ALEC is excited to present the 11th Edition of *Rich States Poor States*. Co-Authored by



ALEC Chief Economist Jonathan Williams, White House Advisor Stephen Moore, and "Father of Supply-Side Economics" Dr. Arthur Laffer, *Rich States*, *Poor States* compares state economic data across 15 different factors to compile rankings for state economic outlook and economic performance.

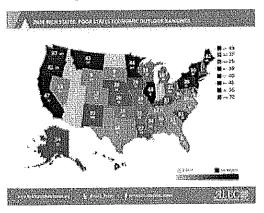
Click here to visit richstatespoorstates.org, where you can see the newest data, find where your state ranks and compare it against other states and historical trends to see the impact of tax reform and strong and weak economic policies.

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Rich States, Poor States Coverage

What People Are Saying About Rich States, Poor States

American Legislative Exchange Council



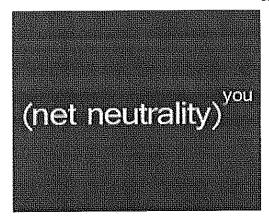
Media and policymakers are already buzzing about the newest edition of Rich States, Poor States. The work has been described as "policy shifting" in the past, and in the wake of federal tax reform, it is more relevant than ever. News 12 New Jersey aired a segment discussing the reasons for its low ranking, and **Deseret News** of Utah featured an op-ed written by ALEC Chief Economist Jonathan Williams and UT Senate President Wayne Neiderhauser, talking about Utah's unparalleled success in the rankings. In addition, National Review ran an op-ed by Jonathan Williams on the pitfalls of "millionaire's taxes" and an exclusive in the Washington Examiner detailed the report just before the release. Check out www.richstatespoorstates.org and see for yourself how important this publication is.

ALEC On The Radio

CAT Director Jonathon Hauenschild Discusses Net Neutrality

Jonathon Hauenschild I Communications and Technology

Communications and Technology Task Force Director Jonathon Hauenschild was a guest on the *Chuck and Julie Show* on 710 KNUS in Colorado. Jonathon discussed the contentious



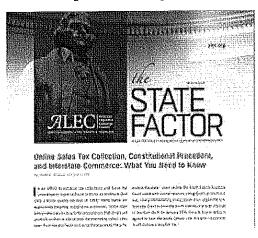
topic of Net Neutrality, and some of the misconceptions associated with the debate.

Listen Here

Online Sales Tax

Oral Arguments Heard in South Dakota v. Wayfair

American Legislative Exchange Council



On April 17th, The United States Supreme Court heard oral arguments for the case of South Dakota v. Wayfair, which concerns the collection of online sales tax. ALEC has produced a State Factor Publication as well as an Amicus Brief submitted for the case.

State Factor

Amicus Brief

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ALEC's wealth of resources doesn't stop with model policy. As an additional benefit, we are letting all members know that we've constructed an online platform for your daily constituent management tasks. The accounts we provide are specifically designed for your district, with pre-populated constituent profiles, allowing you to fill in notes, retain contact information, and even track issues of concern. To learn more and activate your personal account today, contact our C.A.R.E. Associate, Aaron Gillham, at agiliham@alec.org.

ALEC-FreedomWorks Legislator of the Week

Battling the Oploid Epidemic in Kentucky

Representative Kim Moser I KY-64



introduce **Kentucky State Representative Kim Moser.** Representative Moser comes
from a healthcare background as a Registered
Nurse who is dedicated to stemming the tide
of the opioid crisis in her state. She cites this
as among her chief concerns, recognizing its
wide-ranging impact, stating, "Healthcare and
addiction issues affect our state workforce,
education, criminal justice system, and
families."

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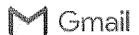
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Center for Innovation and Technology: Is it Time to End "Smart Cities?"

1 message

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Tue, Apr 24, 2018 at 2:17 PM

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Center for Innovation and Technology - April 24, 2018

From Center Director Bartlett Cleland: Is It Time to End "Smart Cities?"



For years, the talk of the future of connected communities has been centered in "smart cities." Cloud services, broadband access, the Internet of Things, smart meters, parking apps, smart street lights, traffic management and so much more have all been discussed in terms of a remade urban landscape. But if you care about fresher food, open spaces, a different pace of life, conservation, broad economic success and so on, then the thinking needs to change.

The future should grow from "smart states" to connecting urban, suburban and rural together, each with their own attractions, benefits and opportunities.

One of the key elements for connecting a smart state is plentiful broadband. The internet is a driver of the U.S. economy, responsible for an economic footprint of \$421 billion and 2.9 million jobs. Specific to rural areas, the administration's "Rural Prosperity Report" says, "E-connectivity, or electronic connectivity, is more than just connecting households, schools, and healthcare centers to each other as well as the rest of the world through high-speed internet. It is also a tool that enables increased productivity for farms, factories, forests, mining, and small businesses." No wonder a clear majority of Americans agree that it is integral to our economy. That notion is informed by the provision of high-performance internet access to the vast majority of households, about 93 percent, in the United States – including millions in rural areas. But how to connect those last few percent, many of whom are in rural areas? Getting government out of the way is a great place to start.

Early this year, President Trump directed the Department of Interior to allow broadband companies to co-locate their equipment on infrastructure that the

Department already has in place. This one simple change will make rural broadband more available and affordable in rural America. More generally, the wide variation in how broadband providers can access federal property causes dramatic slow-downs and great waste. Government needs to move at the speed of innovation, increasing inter-agency cooperation and developing stream-lined consistent processes. More than most improvements this would lead to faster, further reaching broadband deployment.

Another easy improvement would be to require conduits (plastic pipes thorough which wires can be pulled) in all appropriate infrastructure projects. This so called "dig once" approach saves money and also allows for more rapid deployment of new technologies. Such policies are already in place in Arizona, Minnesota and Utah, as well as several municipalities. Even improving access to rights of way would be a step in the right direction. Whether federal or state, access to rights of way should be sped up. Applications for approval to build out broadband infrastructure should be given a priority, perhaps placed on a "shot-clock" so that if action is not taken on an application it is automatically approved.

Additionally, fees and lease payments for right of way rental should be eliminated or at least minimized for access for broadband facilities. Similarly, rents set for attachment of broadband equipment and lines to existing poles must be carefully considered avoiding any truly arbitrary rate increase that slows deployment and increases costs to consumers.

When government acts it must carefully consider those actions. Any financial intervention by the government must focus on the incrementally next most costly areas that are currently unserved with no immediate future plans to be connected. Recently, Congress approved \$600 million for rural broadband expansion via the Agriculture Department's Rural Utilities Service. A similar fund under the previous administration wasted billions, limiting delivery on the promise to expand rural broadband. This sort of federal support should require local jurisdictions to find additional ways to remove any barriers to broadband deployment. The administration needs to be forward thinking, making sure that areas currently being served are not being "overbuilt," wasting money while providing nothing new. Households with no broadband access should be the priority.

Where any legislation is concerned, particular technologies should not be the focus as there are no "future proof" technologies. Such technological neutrality has a great benefit — bringing all qualified broadband providers to the market to enhance the competition and ultimately benefits to consumers. Both fixed and wireless need to be considered as both are necessary. For example, 5G will be great for hyper local applications such as will be abundant in smart cities. But smart states will take a different and familiar approach, using a combination of new fiber and wireless. Other technologies, such as satellite, will also play a role.

While widely dispersed populations, such as those in rural areas of the United States, can be challenging to serve profitably, federal state and local governments can help in removing barriers. Broadband will make a difference in rural America, and by doing so will help the growth of smart states.



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You're Invited: Debating Solutions to Declining Labor Force Participation

1 message

Karen Czarnecki <events@mercatus.gmu.edu>

Reply-To: events@mercatus.gmu.edu

To: latoursm@gmail.com

Tue, Apr 24, 2018 at 4:02 PM

Experienced experts discuss real solutions for getting more non-working Americans into the labor force.

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A Wakeup Call for Today's Modern Workforce

Event Details

Register

Friday, May 11, 2018

Breakfast/Check-in: 9:30AM - 10AM

Event Discussion: 10AM – 12PM

Rayburn House Office Building Room TBD

45 Independence Ave SW Washington, DC 20515

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About the Event

Gmail - You're Invited: Debating Solutions to Declining Labor Force Participation

7034

-1

Despite low unemployment numbers, the US still faces low labor force participation rates. unemployed since they are no longer looking for work. Who are these people, why are There are millions of Americans who do not have a job but are not counted as they not working, and how can policymakers help?

Panel 1: Examining All Angles: Work Requirements, Work Availability, and Education

What policy solutions can address low labor force participation? What are the benefits and imitations of work requirements and how can we test such policies? This panel will cover how to make work more available and attractive to workers, including topics such as subsidized jobs, training, and expanding the Earned Income Tax Credit.

- Harry Holzer, LaFarge SJ Professor Professor, Georgetown University and Nonresident Senior Fellow, Brookings
- Jason Fichtner, Senior Research Fellow, Mercatus Center
- Moderated by: Nick Timiraos, The Wall Street Journal

Panel 2: What Can Help Americans Find Jobs?

Expert panelists will share their experiences with local workforce development programs and the major barriers they encounter in helping the public get back to work.

- Mason Bishop, Former Deputy Assistant Secretary, Employment and Training Administration, U.S. Department of Labor
- Sharon Johnson, CEO, Shenandoah Valley Workforce Development Board, Inc. and Chairperson, Virginia Association of Workforce Directors
 - Montez King, Executive Director, NIMS and Appointee to the President's Task Force on Apprenticeship Expansion
 - Mardy Leathers, Director, Missouri Division of Workforce Development
 - Moderated by: Veronique de Rugy, Mercatus Center

Seating is limited, please RSVP here. For questions, please contact Jen Campbell at jcampbell@mercatus.gmu.edu or (703) 993-4967.

About the Speakers

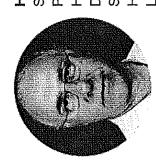
Mason Bishop is the Principal of WorkED Consulting, LLC, a

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provider of workforce development and higher education consulting and management services. Previously, Bishop was the Deputy Assistant Secretary in the Employment and Training Administration for the US Department of Labor. He led national workforce policy efforts and initiatives, oversaw key workforce investment programs, and assisted with congressional relations and legislative issues.



Jason J. Fichtner is a Senior Research Fellow at the Mercatus Center at George Mason University. His research focuses on Social Security, federal tax policy, federal budget policy, retirement security, and policy proposals to increase saving and investment. Previously, he served in several positions at the Social Security Administration, including as deputy commissioner of Social Security (acting), chief economist, and associate commissioner for retirement policy.



Harry J. Holzer is a Nonresident Senior Fellow in Economic Studies at the Brookings Institution and the LaFarge SJ Professor at the McCourt School of Public Policy at Georgetown. He previously served as Chief Economist for the U.S. Department of Labor and professor of economics at Michigan State University. Prior to coming to Georgetown, Professor Holzer served as Chief Economist for the U.S. Department of Labor and professor of economics at Michigan State University.



Sharon Johnson is CEO for the Shenandoah Valley Workforce Development Board, Inc. and Chairperson for the Virginia Association of Workforce Directors. She has over 25 years of talent development experience working with the private sector, public workforce system, economic development, and community colleges. Sharon received her PhD in Human Capital Development from the University of Southern Mississippi and her MS in Adult Education and Human Resource Development from James Madison University.

Montez King is the Executive Director of NIMS, developing national standards and competency-based credentials in

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manufacturing trades. Montez is responsible for overseeing the administration, programs, and strategic plan of the organization. In October 2017, Montez was appointed to the President's Task Force on Apprenticeship Expansion.



Mardy Leathers was appointed to serve as the Director of the Missouri Division of Workforce Development in October 2017. He most recently served as Executive Director of the Center for Workforce Development at East Central College in Union, Missouri. There, he played a key role in developing the statewide Community College Workforce Development Network and oversaw the college's business and industry training efforts, community education, healthcare career certification and WIOA programs.



Nick Timiraos (moderator) is a national economics correspondent for *The Wall Street Journal* in Washington, DC. He has covered the housing bust and the government's response to the mortgage crisis, including the bailout of finance giants Fannie Mae and Freddie Mac. In 2008, he contributed to the *Journal*'s coverage of the presidential election. He joined the *Journal* in 2006 and graduated from Georgetown University, where he studied government and American studies.



Veronique de Rugy (moderator) is a Senior Research Fellow at the Mercatus Center at George Mason University and a nationally syndicated columnist. Her primary research interests include the US economy, the federal budget, homeland security, taxation, tax competition, and financial privacy. Her popular weekly charts address economic issues ranging from lessons on creating sustainable economic growth to the implications of government tax and fiscal policies. She has testified numerous times in front of Congress on the effects of fiscal stimulus, debt and deficits, and regulation on the economy. She received her PhD in economics from the Pantheon-Sorbonne University.

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Center For State Fiscal Reform - 5/1/2018

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Tue, May 1, 2018 at 1:06 PM

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Center for State Fiscal Reform - May 1, 2018



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ALEC in The News

Rich States, Poor States Spurs Discussion Across the Country Center for State Fiscal Reform



The release of the 11th Edition of Rich States, Poor States has policymakers and leaders buzzing all over the US. In Utah, **Deseret News** ran an op-ed by Senate President
Wayne Niederhauser lauding Utah's continued presence in the top spot. Meanwhile, **National Review** featured an op-ed by ALEC Chief Economist Jonathan Williams detailing the problem with so-called "Millionaire's Taxes."

ALEC On The Air

Center for State Fiscal Reform Talks Rich States, Poor States, State Budgets American Legislative Exchange Council

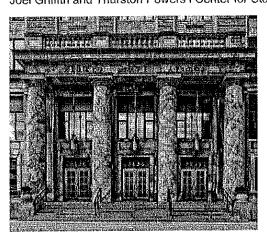
ALEC Chief Economist and VP of the Center for State Fiscal Reform joined a number of radio shows across the country to talk about the mission of the center and to promote the newest edition of *Rich States, Poor States*. Most recently, Williams joined the <u>Lincoln Radio</u>



Journal in Pennsylvania, and Red Meat Radio in Utah alongside ALEC State Chair Representative Kim Coleman.

State Of The States Analysis

State of the States Analysis: The Mountain West and Beyond Joel Griffith and Thurston Powers I Center for State Fiscal Reform



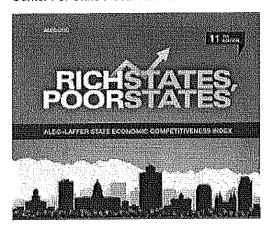
The Center for State Fiscal Reform continues its analysis of State of the State Addresses across the nation. These analyses highlight both strong and weak policies outlined in these speeches and how they may affect those states going forward. This week, the Center looked westward, analyzing Alaska, Wyoming, Utah, New Mexico, Pennsylvania, and Washington. To see all analyses to date, follow the link below.

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Rich States Poor States 11th Edition

Rich States, Poor States 11th Edition Has Been Released

Center For State Fiscal Reform



The 11th edition of Rich States, Poor States has been released. Check out www.richstatespoorstates.org to compare state data, historical trends and to see where your state ranks and why.

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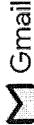
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Sarah LaTourette Kayser < latoursm@gmail.com>

May 11: Debating Work Requirements, Work Availability, and Training

message

Karen Czarnecki <events@mercatus.gmu.edu>

Reply-To: events@mercatus.gmu.edu

To: latoursm@gmail.com

Wed, May 2, 2018 at 4:09 PM

A wakeup call for today's modern workforce.

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Why Are There So Many Open Jobs and So Many Americans Without Jobs?

Policy Solutions: Work Requirements, Work Availability,

and Training

Each month, there are hundreds of thousands of open jobs in the U.S., and yet there are millions of Americans who do not have a job. Many have given up looking for work.

Will current policies considered by the House, Senate, and Administration help? What else should policymakers consider? Click here to learn more.

Event Details

Register

Friday, May 11, 2018

10AM - 12PM

Duck Donuts will be provided.

Rayburn House Building Room 2237

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About the Event

Panel 1: Examining All Angles: Work Requirements, Work Availability, and Education

What are the benefits and limitations of work requirements, training programs, and subsidized work? How can we test such policies?

- Harry Holzer, LaFarge SJ Professor Professor, Georgetown University and Nonresident Senior Fellow, Brookings
- Jason Fichtner, Senior Research Fellow, Mercatus Center
- Moderated by: Nick Timiraos, The Wall Street Journal

Panel 2: What Can Help Americans Find Jobs?

Expert panelists will share their experiences with local workforce development programs and the major barriers they encounter in helping the public get back to work.

- Mason Bishop, Former Deputy Assistant Secretary, Employment and Training Administration, U.S. Department of Labor
- Sharon Johnson, CEO, Shenandoah Valley Workforce Development Board, Inc. and Chairperson, Virginia Association of Workforce Directors
- Montez King, Executive Director, NIMS and Appointee to the President's Task Force on Apprenticeship Expansion
- Mardy Leathers, Director, Missouri Division of Workforce Development
 - Moderated by: Veronique de Rugy, Mercatus Center

Seating is limited, please RSVP here. For questions, please contact Jen Campbell at jcampbell@mercatus.gmu.edu or (703) 993-4967.

About the Speakers

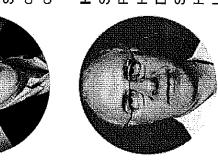
Mason Bishop is the Principal of WorkED Consulting, LLC, a provider of workforce development and higher education

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consulting and management services. Previously, Bishop was the Deputy Assistant Secretary in the Employment and Training Administration for the US Department of Labor. He led national workforce policy efforts and initiatives, oversaw key workforce investment programs, and assisted with congressional relations and legislative issues.



Jason J. Fichtner is a Senior Research Fellow at the Mercatus Center at George Mason University. His research focuses on Social Security, federal tax policy, federal budget policy, retirement security, and policy proposals to increase saving and investment. Previously, he served in several positions at the Social Security Administration, including as deputy commissioner of Social Security (acting), chief economist, and associate commissioner for retirement policy.



Harry J. Holzer is a Nonresident Senior Fellow in Economic Studies at the Brookings Institution and the LaFarge SJ Professor at the McCourt School of Public Policy at Georgetown. He previously served as Chief Economist for the U.S. Department of Labor and professor of economics at Michigan State University. Prior to coming to Georgetown, Professor Holzer served as Chief Economist for the U.S. Department of Labor and professor of economics at Michigan State University.



Sharon Johnson is CEO for the Shenandoah Valley Workforce Development Board, Inc. and Chairperson for the Virginia Association of Workforce Directors. She has over 25 years of talent development experience working with the private sector, public workforce system, economic development, and community colleges. Sharon received her PhD in Human Capital Development from the University of Southern Mississippi and her MS in Adult Education and Human Resource Development from James Madison University.

Montez King is the Executive Director of NIMS, developing national standards and competency-based credentials in

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100

manufacturing trades. Montez is responsible for overseeing the administration, programs, and strategic plan of the organization. In October 2017, Montez was appointed to the President's Task Force on Apprenticeship Expansion.



Mardy Leathers was appointed to serve as the Director of the Missouri Division of Workforce Development in October 2017. He most recently served as Executive Director of the Center for Workforce Development at East Central College in Union, Missouri. There, he played a key role in developing the statewide Community College Workforce Development Network and oversaw the college's business and industry training efforts, community education, healthcare career certification and WIOA programs.



Nick Timiraos (moderator) is a national economics correspondent for *The Wall Street Journal* in Washington, DC. He has covered the housing bust and the government's response to the mortgage crisis, including the bailout of finance giants Fannie Mae and Freddie Mac. In 2008, he contributed to the *Journal*'s coverage of the presidential election. He joined the *Journal* in 2006 and graduated from Georgetown University, where he studied government and American studies.



Veronique de Rugy (moderator) is a Senior Research Fellow at the Mercatus Center at George Mason University and a nationally syndicated columnist. Her primary research interests include the US economy, the federal budget, homeland security, taxation, tax competition, and financial privacy. Her popular weekly charts address economic issues ranging from lessons on creating sustainable economic growth to the implications of government tax and fiscal policies. She has testified numerous times in front of Congress on the effects of fiscal stimulus, debt and deficits, and regulation on the economy. She received her PhD in economics from the Pantheon-Sorbonne University.

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accordance with the widely-attended event exception to congressional gift rules and This event is free and open to the general public. This event has been planned in government ethics memoranda. Breakfast will be provided.

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Sarah LaTourette Kayser < latoursm@gmail.com>

This Week At ALEC - 5/3/2018

1 message

American Legislative Exchange Council <tmclaughlin@alec.org>
To: latoursm@gmail.com

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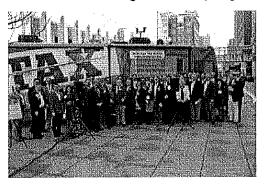


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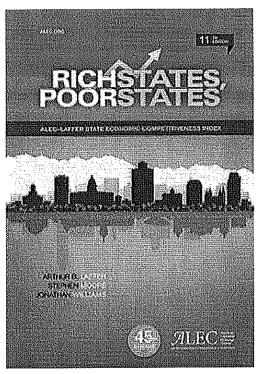
Thank you to everyone who attended the 2018 Spring Task Force Summit and contributed to a successful, informative and fun event. Legislators and private sector members met and discussed many important issues that face the states today and worked together to find new solutions.

In addition, ALEC was honored to host the kick off event of the **Job Creators Network** #TaxCutsWork Bus Tour at the summit and feature ALEC Chief Economist Jonathan Williams and National Chairman Rep. Jason Saine among their speakers.

Rich States, Poor States

The 11th Edition of *Rich States, Poor States* Has Been Released American Legislative Exchange Council

ALEC is excited to present the 11th Edition of Rich States Poor States. Co-Authored by ALEC Chief Economist Jonathan Williams,



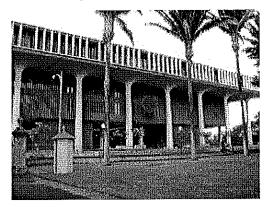
White House Advisor Stephen Moore, and "Father of Supply-Side Economics" Dr. Arthur Laffer, *Rich States, Poor States* compares state economic data across 15 different factors to compile rankings for state economic outlook and economic performance.

Click here to visit richstatespoorstates.org, where you can see the newest data, find where your state ranks and compare it against other states and historical trends to see the impact of tax reform and strong and weak economic policies.

View Publication

State of the State Analysis

Center For State Fiscal Reform Continues State of the State Analyses American Legislative Exchange Council



The Center For State Fiscal Reform continues its State of the State Analyses. These identify both strong and weak policies outlined in each governor's address and how they can have an effect on the state's economic outlook. New this week are Hawaii, Louisiana, North Bakota, Oklahoma, Illinois, and Minnesota. To see all articles to date, follow the link below.

View Articles

Online Sales Tax

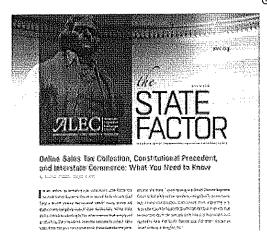
Oral Arguments Heard in South Dakota v. Wayfair

American Legislative Exchange Council

The United States Supreme Court recently heard oral arguments for the case of South Dakota v. Wayfair, which concerns the collection of online sales tax. ALEC has a variety of resources on the topic. ALEC has produced a **State Factor Publication** as well as an **Amicus Brief** submitted for the case.

State Factor

Amicus Brief



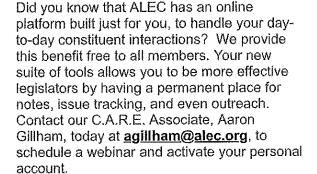
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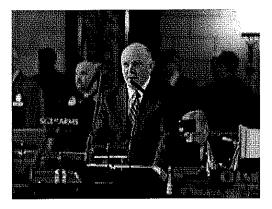
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ALEC-FreedomWorks Legislator of the Week

Serving Taxpayers in Nebraska

Senator Jim Smith I NE-14



This week, ALEC and FreedomWorks introduce Nebraska Senator Jim Smith. Senator Smith is focused on making Nebraska more affordable and competitive with surrounding states. As such, he is a strong proponent of comprehensive tax reform, saying "Our corporate and individual income tax rates are not competitive with those of surrounding states, making it difficult to grow our economy, increase our state revenues, and lower our reliance on property taxes to fund local government."

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Sarah LaTourette Kayser < latoursm@gmail.com>

Ohio Report, Monday, May 7, 2018

1 message

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OHIO REPORT

News Bill Tacking Legislation

OHIO REPORT MONDAY, MAY 7

State's Largest Employee Union Considers New Contract Endorsed by Leaders, Administration

OEPA Still Searching For Omnibus Bill Sponsor As Criticism From Advocates Mounts

Ohio State Construction Projects Approved By Controlling Board

Legislator Pushes Extension Of Eased Graduation Standards

PUCO Recommends Federal Regulators Hold Off On Capacity Market **Proposals** 1300

Few Contested Judicial Races on Tuesday's Ballot

Casinos, Racinos See Revenue Fall in April After Booming March

Ohio Congress Members Urge Updates To Soo Locks; Democrats Press For More Strategy In Trade Talks...

Supplemental Agency Calendar

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Volume #87, Report #88 -- Monday, May 7, 2018

State's Largest Employee Union Considers New Contract Endorsed by Leaders, Administration

Members of the state's largest employee union are voting this week on a new contract that includes a total pay increase of 8.5% over the next three years.

The Department of Administrative Services outlined the proposed contract with the Ohio Civil Service Employees Association Monday before the Controlling Board.

If the board doesn't take any action on the proposed contract within 30 days of its submission, it would be approved, Controlling Board President Christine Morrison said.

Kristen Rankin, assistant deputy director for the Office of Collective Bargaining at DAS, said the agreement, if approved, would be in effect until Feb. 28, 2021. The OCSEA represents about 28,000 state employees, she said.

The contract includes a 2.75% wage increase July 1, 2018, another 2.75% increase July 1, 2019, and a 3% wage increase July 1, 2020, Ms. Rankin said.

Negotiations between the state and the OCSEA are often a model for the four other state employee unions.

The current contract, approved in 2015, included 2.5% wage increases each year. (See <u>Gongwer Ohio Report</u>, <u>May 21, 2015</u>)

OCSEA members are voting this week, with that process wrapping up Thursday, spokeswoman Sally Meckling said.

The union is-recommending members approve the proposal, she said.

"We feel it's a strong contract," she said in an interview. "I think the bargaining team was outstanding this year and they did very well and put a lot of work into it."

Ms. Meckling said the union's negotiating team focused on wage increases. Another change in the contract proposal would increase the pay differential for employees who work second or third shifts from \$0.35 to \$0.60.

"We believe it's going to help our members put more money in their pockets," she said.

The shift differential proposal was of interest to some members of the Controlling Board. <u>Sen. Bill Coley</u> (R-Liberty Twp.) asked about the effect on Lottery Commission employees who work to install machines at bars and restaurants, often having to work later shifts.

"There's nothing in contract that precludes Lottery from working with the collective bargaining units to include shift differential?" he asked Ms. Rankin.

The contract would not prevent that, and DAS reached out to the Lottery Commission to see if they need assistance with any issues, Ms. Rankin said.

Ms. Rankin told <u>Sen. Charleta B. Tavares</u> (D-Columbus) that the new differential puts the state contract in line with many cities and counties throughout the state.

OEPA Still Searching For Omnibus Bill Sponsor As Criticism From Advocates Mounts

The Ohio Environmental Protection Agency is still seeking a sponsor for a wide-ranging omnibus bill on phosphorus runoff and other issues that lawmakers have been reluctant to pursue.

But advocates and Toledo Mayor Wade Kapszukiewicz are ramping up their criticism of both the Kasich Administration and lawmakers over what they see as years of inaction.

OEPA Director Craig Butler in March said he was hoping to enlist lawmakers to introduce a bill to tackle phosphorus runoff, chemical disclosure requirements and other issues in a wide-ranging proposal. (See <u>Gongwer Ohio Report, March 30, 2018</u>)

But the lawmakers the OEPA has courted have declined to move forward at this point

"We are still trying to get a bill introduced and we have not found a legislator who is willing to introduce it," OEPA spokeswoman Heidi Griesmer said.

<u>Sen. Randy Gardner</u> (R-Bowling Green) has said he won't pursue the issue and <u>Rep. Steven Arndt</u> (R-Port Clinton) said he plans to introduce some sort of bill but likely not of the scope OEPA has pushed. (See <u>Gongwer Ohio Report</u>, <u>April 13</u>, 2018)

It's unclear how many, if any, of the agency's proposals could be accomplished via the rulemaking process should lawmakers prove unwilling to take up the legislation.

As behind the scenes talks continue, Advocates for a Clean Lake Erie are accusing the agency's leaders of siding "with Big Ag and (concentrated animal feeding) operators who assume our lake is theirs to use as a free public toilet."

The group made the claim in <u>a letter</u> to Director Butler blasting the OEPA as a "wholly-owned subsidiary of the Farm Bureau." The group claims the legislation OEPA is shopping continues to fall short of bringing accountability to the agriculture industry.

"Instead of a thorough inventory of pollution sources and amounts throughout the entire watershed and back to the headwaters of what eventually flows into the lake, you propose something less that will leave polluters unnamed and unaccountable once again," ACLE argues. "Instead of enforceable pollution limits with Total Maximum Daily Loads (TMDLs) and explicit timetables, you propose more of the failed voluntary methods that have gotten us where we are today."

Ms. Griesmer said she was unaware of the letter and declined to comment. But Joe Cornely, spokesman for the Ohio Farm Bureau, called the comments "disappointing."

"When you get into important public policy topics like this we've never found finger pointing and name calling helps matters," Mr. Cornely said. "Our approach is to be as collaborative as possible, to help each other understand the issues better, and then to get about solutions rather than stirring up controversy."

The Farm Bureau has expressed reservations about added regulations contained in OEPA's proposed bill, but Mr. Cornely said claims from groups saying the bureau is being a "roadblock" are false. (See <u>Gongwer Ohio Report</u>, <u>April 3, 2018</u>)

"That's absolutely not the case," Mr. Cornely said. "What we're saying isn't go slow. There are so many crucial issues that are as yet unanswered...what we're saying is be smart. Our encouragement to be smart, to be thoughtful, is being spun as us saying don't do anything and that's not where we are at all."

Mayor Kapszukiewicz, on his part, echoed ACLE's letter in comments delivered to a Michigan conference this week.

"We live in a state where our legislature is a wholly owned subsidiary of the Farm Bureau," Mr. Kapszukiewicz said according to the *Toledo Blade*. "I'm sorry, but it's true."

The mayor also said he was considering having Toledo join an ongoing lawsuit by the Environmental Law & Policy Center and the ACLE against the U.S. and Ohio agencies.

Responding to those comments specifically, Mr. Cornely said the group's members are "proud of their grassroots engagement" with lawmakers and that the mayor has struck a more collaborative tone in previous private meetings with the group.

Ohio State Construction Projects Approved By Controlling Board

Controlling Board members approved two funding requests from the Ohio State University for construction projects after asking questions about the institution's process for awarding contracts.

The board also heard an overview of a proposed contract between the state and the Ohio Civil Service Employees Association. (See separate story)

The university asked lawmakers to fund two different projects: one totaling \$3.2 million for building envelope renovations and one for \$10.1 million to partially replace Postle Hall.

<u>Sen. Charleta B. Tayares</u> (D-Columbus) asked about the university's progress in improving its participation in the state's Minority Business Enterprise and Encouraging Diversity, Growth and Equity programs.

Leanne Chandler, OSU's contracts administrator, said the university is looking at its MBE and EDGE participation and has a group studying ways to increase the number of contracts going to minority-owned and economically disadvantaged businesses.

Sen. Tavares encouraged the university to look at ways other departments and institutions have improved their participation rates.

The university could learn from the experience of other agencies and how they have reached out, built relationships and considered other factors, such as website design, the senator said.

"I just want to note that all of state government is trying to work toward inclusion of all of our constituents in contracting opportunities, but if we're not learning from each other...then we're never going to get there," she said.

<u>Sen. Bill Coley</u> (R-Liberty Twp.) asked how OSU had worked with Kent State University, which had previous experience with the contractor for the project.

The university reached out to Kent State to ask about their experience with the contractor, and received a "very positive response," said Faye Bodyke, OSU's director of projects.

In other action, a request from the Department of Mental Health & Addiction Services for \$276,000 to renew the contract with Ohio Healthy Physicians Group for services at Appalachian Behavioral Healthcare in Athens was deferred.

The Department of Natural Resources also withdrew a request for \$500,000 for fees related to the State-Wide Cost Allocation Plan.

In total, the board approved 72 items.

Other requests approved by the board included: (Agenda)

- \$2 million Adjutant General's Department for HVAC, plumbing and masonry work at the Youngstown facility.
- \$5.2 million Development Services Agency for the Facilities Establishment Fund.
- \$2.4 million Ohio EPA for water quality protection services, including projects on the Maumee River.
- \$2.3 million Department of Job and Family Services to contract with the Ohio Association of Foodbanks for the summer meals program.
- \$1.2 million Department of Medicaid to amend a contract for upgrades and support of the Quality Medicaid Decision Support System and the HEDIS reporting system.
- \$5 million DMHAS for regional psychiatric hospital payroll and personal service contract expenditures.
- \$1.8 million Department of Rehabilitation and Correction to upgrade fire alarms at the North Central Correctional Complex in Marion.
- \$1.2 million DRC to contract for construction services for an electrical renovation project at the Allen Oakwood Correctional Institution in Lima.
- \$14.7 million Ohio Facilities Construction Commission for storm shelter budget amendments for various school districts.

Legislator Pushes Extension Of Eased Graduation Standards

A Democratic lawmaker hopes her proposal to preserve relaxed graduation requirements for two additional years sparks some kind of action, but key Republicans remain resistant to the idea of another temporary fix.

Rep. Tavia Galonski (D-Akron) said she introduced the measure (HB 630) after hearing from constituents who were concerned because they did not know what standards would be in place next school year.

"I can't even imagine what the rising (high school) seniors must be thinking," she said.

The state initially required students to score 18 points out of a possible 35 points on seven state-mandated tests, earn professional credentials or achieve remediation-free results on the ACT or SAT to graduate starting in 2018.

A provision in the budget (<u>HB 49</u>) added alternative ways to earn credit toward graduation, such as maintaining a high attendance rate and GPA, for one year after a push by school administrators who predicted the new requirements could lead to plummeting graduation rates.(See <u>Gongwer Ohio Report, November 15</u>, 2016)

The State Board of Education in January recommended keeping the additional pathways to graduation in place for the classes of 2019 and 2020, but the legislature has not yet taken action. (See <u>Gongwer Ohio Report, January 9, 2018</u>)

"It is a simple and quick fix, and we needed to do it a long time ago," Rep. Galonski said.

<u>Rep. Andy Brenner</u> (R-Powell), chairman of the House Education and Career Readiness Committee, said in January that House Republicans were working on a longer-term solution. He said in an interview Thursday he does not think there's support on his side of the aisle for a two-year extension, adding that he wants to see updated graduation estimates from the Department of Education before moving forward with changes.

Rep. Brenner said he worries extending the loosened requirements through 2020 could make graduation less meaningful to Ohio students.

"What are we paying for if they don't get a (diploma) that means something?" he said.

Rep. Brenner said the potential "long-term fix" could take the form of an amendment to legislation already passed in the Senate (SB 216).

Senate <u>President Larry Obhof</u> (R-Medina) said Monday he continues to support finding a long-term solution for the standards, rather than extending the relaxed requirements for another year or two. (See <u>Gongwer Ohio Report, March 26, 2018</u>)

Obhof said he expects the issue will be one of several discussed at a caucus meeting later this week.

"I'm sure that will be on our agenda and we'll air that out in full," he said. "There were a number of members of the caucus who expressed the same concern I did at this point last year about that being a temporary, one-year fix, not a permanent fix."

Rep. Galonski said if a long-term solution exists, "we needed to have moved on it already."

"The teachers are saying to us, 'We're preparing for next year. What are you guys doing?" she said.

While she expressed some concern about putting a bandage on the problem, Rep. Galonski said she proposed the two-year extension because she fears the issue could fall by the wayside in the lead up to November's election and during the next budget process.

While he said he fears a two-year extension could lead to a trend toward "lower accountability and lower standards," Rep. Brenner said House Republicans might be open to discussions of one additional year of relaxed requirements.

Rep. Galonski said she would be amenable to that compromise if it ultimately is offered.

"I'd jump all over it," she said.

PUCO Recommends Federal Regulators Hold Off On Capacity Market Proposals

The Public Utilities Commission of Ohio is asking federal regulators to reject a pair of proposals from PJM Interconnection to overhaul the capacity market.

PJM in April filed the separate proposals with the Federal Energy Regulatory Commission outlining two tracks the group says would better account for state subsidies PJM stakeholders say are undermining the competitive capacity market.

Only one of the conflicting proposals could be adopted - unless FERC rejects both - but PJM stakeholders were unable to reach a supermajority consensus on which plan to put forward. They submitted both, asking FERC to be the arbitrator.

In its comments, the PUCO expresses concerns about the lack of information PJM has provided on how much either plan would cost consumers and questions making such changes at this juncture when prior changes adopted still are being implemented.

"We don't take a position on whether we like or dislike either of the proposals," Chairman Asim Haque said. "What we just say is let the current reforms take form in full and let's analyze later.'

The first proposal, termed "capacity repricing," creates a two-stage auction process in which any resource receiving state subsidies would clear the auction's first stage and receive a capacity commitment from PJM. It

would then be repriced in the second stage to remove the effects of the subsidy.

The second option, which PJM named "MOPR-Ex," involves extending the existing Minimum Offer Price Rule, which requires subsidized resources to remove the effect of subsidies when offering into the capacity market. That plan, however, could result in subsidized units failing to receive capacity commitments, PJM cautioned.

The PUCO approved a draft of its feedback during a meeting last week with final comments expected to be filed Monday with FERC. During the meeting, Commissioner Daniel Conway questioned Lori Sternisha, of the commission's Office of the Federal Energy Advocate, on the potential cost impact of the proposals.

Ms. Sternisha replied that although the proposals could drive up consumer costs, PJM has not provided an impact analysis as it typically does in these sorts of filing.

Mr. Conway said that "caution is a good path to take in that circumstance."

And Commissioner Beth Trombold mentioned the "very unusual" nature of the case in which even PJM stakeholders couldn't agree on a single course of action.

When filing their proposals, PJM leaders said they concluded the question of which route to pursue should fall to FERC.

"Left unaddressed the subsidies will crowd out efficient, competitive resources and shift to consumers the investment and operational risks of generation," PJM CEO Andrew Ott said. "We seek the appropriate balance that respects state policy while avoiding policy impacts of a state's subsidies on the market as a whole and on other states."

PJM has requested an order from FERC by June 29 with tariffs to kick in January 2019.

Few Contested Judicial Races on Tuesday's Ballot

While fiercely fought gubernatorial primaries and a behind-the-scenes battle for control of the House are receiving the bulk of the attention this primary election season, there are also more than 130 judicial seats up for grabs.

Of the 132 judicial races on ballots across the state, two seats on the Ohio Supreme Court are in play. However, neither of the primaries is contested.

In the race to replace Justice Terrence O'Donnell, Cuyahoga County Common Pleas Court Judge Michael Donnelly hopes to break the Republican stranglehold on the court when he takes on Fifth District Court of Appeals Judge Craig Baldwin in the fall.

In the other race, Justice Mary DeGenaro, who was appointed to the seat earlier this year by <u>Gov. John Kasich</u>, will seek to fend off a challenge from Eighth District Court of Appeals Judge Melody Stewart.

Twenty-three appellate court seats also will be in play. But only four feature contested primary elections.

Justice DeGenaro's former seat in the Seventh District once garnered a lot of attention, with six candidates originally vying for the seat, including a brother and sister battling for the Democratic nomination. (See Gongwer Ohio Report, February 12, 2018)

Holly Hanni and Mark Hanni have since withdrawn from the race, as did the appellate court's chief mediator, Aaron Hively. That has cleared the path to the nomination for Mahoning County Court Judge David D'Apolito.

On the Republican side, Damian DeGenova withdrew from the race after Gov. Kasich bestowed incumbent status on his primary opponent, Judge Kathleen Bartlett.

Another contested primary race features Eleventh District Court of Appeals Judge Colleen Mary O'Toole, a former candidate for the high court that took on the Ohio Republican Party's hand-picked candidate in 2016. She is the only incumbent at the appellate court level to face a primary challenge. She will have to fend off former Rep. Matt Lynch to hold her seat.

At the local level, 107 county courts of common pleas seats will also be on the ballot in 45 counties. Twenty-two of the primary races are contested.

Voters in the fall will also have the opportunity to elect non-partisan county court judges in 21 counties, the high court's media arm <u>reported</u>.

Additional information about the races and candidates can be found at <u>JudicialVotesCount.org</u>.

Casinos, Racinos See Revenue Fall In April After Booming March

April marked a return mostly to normal for Ohio's casinos and racinos, as revenues dropped following record performances in March.

The four casinos brought in \$71.8 million for the month, down from \$81.7 million in March but in line with the \$71.5 million they saw in April 2017, according to <u>reports</u> from the Ohio Casino Control Commission.

For the seven racinos, April's total of \$89.7 million from video lottery terminals was down from March's \$96.5 million, according to reports from the Ohio Lottery Commission.

Hollywood Columbus had the best month of the four casinos, raking in \$19.3 million, although that was below its \$22.4 million in March. The casino brought in \$18.8 million the previous April.

Hollywood Toledo saw revenue totaling \$18.2 million, down from \$19.7 million in March but in line with \$17.9 million in April 2017. The Toledo casino continues to put the most emphasis on slot machines, which accounted for \$15.3 million, compared to just \$2.9 million for table games.

JACK Cincinnati's April total of \$17.5 million was down from March's \$19.5 million but on par with the previous April's \$17.3 million.

JACK Cleveland had the lowest revenue of the four casinos in April, at \$16.7 million, down from \$20.2 million the month before and \$17.5 million the April before. It continues to maintain the narrowest spread between slot machines and table games, with the return from slots - at \$8.6 million - edging the \$8.1 million of table games in April.

Racinos: All seven of the state's racinos saw their totals drop from March to April, although they maintained healthy returns for the month.

The biggest drop came at Miami Valley Gaming, which was down nearly \$2.1 million to \$13.4 million. Hollywood Gaming Dayton Raceway saw a drop of \$1.2 million to \$9.2 million.

JACK Thistledown saw a drop of just over \$1 million to a shade under \$11 million.

Hollywood Mahoning Valley Race Course was down more than \$872,000 to \$10.5 million, while Scioto Downs was down \$825,000 to \$15.5 million.

Hard Rock Rocksino - Northfield Park, which maintains the highest revenue among casinos and racinos, saw its total drop by \$475,000 to \$22.9 million.

Belterra Park was down \$267,000 to \$7.3 million.

Ohio Congress Members Urge Updates To Soo Locks; Democrats Press For More Strategy In Trade Talks...

Ohio delegates are urging President Donald Trump to commit to rebuilding and improving the Soo Locks in Michigan.

Ten Ohio representatives, including <u>U.S. Rep. Marcy Kaptur</u> (D-Cleveland) who is ranking member on the Energy and Water Appropriations Committee, signed a letter the president seeking action on the project.

"Upgrading the Soo Locks, which are critical to jobs and commerce across the Midwest, is precisely the type of investment that should be priority number one," Rep. Kaptur said in a statement. "I urge the president to follow through on his words with real action that will bolster our Great Lakes heartland as well as America's industrial base."

Others signing onto the missive included <u>U.S. Rep. Tim Ryan</u> (D-Niles), U.S. Rep. David Joyce (R-Russell Twp.) <u>U.S. Rep. Bob Gibbs</u> (R-Lakeview), <u>U.S. Rep. Steve Stivers</u> (R-Columbus), <u>U.S. Rep. Marcia Fudge</u> (D-Toledo), <u>U.S. Rep. Joyce Beatty</u> (D-Columbus), <u>U.S. Rep. Bill Johnson</u> (R-Marietta), and <u>U.S. Rep. Jim Renacci</u> (R-Alliance).

The Soo Locks are nearly 50 years old, the group wrote, and crucial for the Great Lakes economy, which is the world's fourth largest. The locks serve 70% of traffic to the Great Lakes and advocates say that if the locks were forced to close the regional economy would be crippled.

"A new 1,200-foot lock is vital to ensuring our economic prosperity and national security," the group wrote. "These locks are the only waterway connection from Lake Superior to the rest of the Saint Lawrence Seaway. This makes it a single point of failure in a system that supports millions of jobs nationwide and billions of dollars of economic activity."

Trade: Rep. Ryan urged the president to come to American workers' defense on the heels of trade negotiations with China in recent days.

"President Trump and his administration need a comprehensive, long-term strategy in protecting American workers and industries from China's harmful practices," Rep. Ryan said. "China has been cheating the United States for years, and it's time President Trump steps up and turns his talk into action."

He said China has a long-term economic plan looking decades into the future while President Trump has "injected uncertainty" into the economy and strained the United States' relationship with its allies.

Part of that uncertainty stems from proposed steel and aluminum tariffs Mr. Trump announced earlier this year to the surprise of his own staff who hadn't yet fully vetted the proposal. Rep. Kaptur said President Trump needs to act now to finalize relief for the U.S. steel industry.

"Unfortunately, mixed signals, lack of clarity, and failure to consult fully with other nations, has created chaos and upset the markets globally," she said. "Now, more delays make it seem as though no decision is forthcoming, as has happened time and time again with the derailed Trump Administration infrastructure bill. All while we watch imports rise as companies work to beat tariff announcements."

Opioids: <u>U.S. Sen. Rob Portman</u> (R-Terrace Park) met with law enforcement and community advocates in Marietta to discuss the raging opioid epidemic.

There the senator applauded Washington County's engagement as "an example of the unified effort needed to overcome the opioid epidemic gripping our state."

He also applauded the appointment of 28 members to the Pain Management Best Practices Inter-Agency Task Force. The group was created by bipartisan legislation sponsored by Sen. Portman and will propose updates to best practices to address gaps in managing chronic and acute pain.

"Four out of five people suffering from addiction started with a prescription to manage chronic or acute pain," the senator said. "Closing the gaps that occur is key to ending this cycle and overcoming the addiction crisis."

Jobs: <u>U.S. Sen. Sherrod Brown</u> (D-Cleveland) and nine allies wrote to President Trump urging him to sign an executive order to ensure companies with U.S.-based call centers receive preference for federal contracts.

The lawmakers, all Democrats, cited Bureau of Labor Statistics figures showing the U.S. lost 200,000 call center jobs between 2006-2014.

"Most Americans want to support American jobs by buying American whenever they can, and that includes the customer service they get from call centers," Sen. Brown said. "American tax dollars should support American jobs."

Fudge Spokeswoman: Rep. Fudge on Monday announced the hiring of Bernadine A. Stallings as communications director.

Ms. Stallings most recently served as publications and communications specialist for Delta Sigma Theta Sorority, Inc., where she developed communications strategy, managed digital media platforms, coordinated press activities, served as speechwriter and publications editor, and helped develop program-specific public relations campaigns, according to Rep. Fudge.

The graduate of the University of Michigan and Wayne State University has also worked as a freelance writer.

"Bernadine brings additional Midwestern perspective to the team, and has an understanding of the issues that matter to our communities," Ms. Fudge said in a statement. "She is committed to supporting the work of the 11th Congressional District of Ohio and its people. I am pleased to have her lead our strategic communication operations."

Supplemental Agency Calendar

Tuesday, May 15

Consumers' Counsel Governing Board, 65 East State Street, 7th Floor, Columbus, 10 a.m.

Supplemental Event Planner

Monday, May 7

Release of April casino revenues, 1:30 p.m.

Friday, May 18

Ohio House Democratic Caucus candidate reception, Dempsey's Food and Spirits, 346 S. High Street, Columbus, 6:30 p.m.

Thursday, November 8

2018 Impact Ohio Post Election Conference, Greater Columbus Convention Center, 400 N. High St., Columbus

17 S. High St., Suite 630 Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

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Senate Activity for Monday, May 7, 2018

INTRODUCED

SB LAW ENFORCEMENT BENEFITS (LaRose, F., Hottinger, J.) To revise the payments that surviving **296** family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. Am. 742.63 and to enact section 124.824

<u>SB</u> PROTECTIVE VESTS (<u>Schiavoni</u>, <u>J.</u>) To provide for the purchase of stab proof vests for certain public <u>297</u>employees and to make an appropriation.

<u>SB</u> AWARENESS MONTHS (<u>Tavares</u>, <u>C</u>.) To designate the months of March and September as "Civic <u>298</u>Engagement Awareness Month." Am. 5.42

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Daily Activity Planner for Tuesday, May 8

Legislative Committees

No legislative committees scheduled.

Agency Calendar

No agency meetings scheduled.

Event Planner

Primary election day

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Sarah LaTourette Kayser < latoursm@gmail.com>

Center Correspondence: Center to Restore the Balance of Government - 5/8/2018

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Center to Restore the Balance of Government May 8, 2018

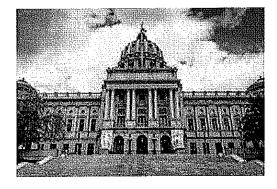




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Dispatch from the States

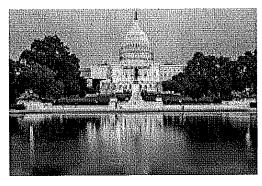
Judicial Overreach and Rewriting the Rules of the Game in Pennsylvania Representative Cris Dush I PA-66



People inherently understand that competitive endeavors, whether sporting contests or elections need rules to function smoothly giving the rule makers a vital role in shaping the competition. In football, the referees are there to interpret the actions on the field according to previously established rules. Similarly, in small "r" republican governments, the courts serve as the referees in legal matters. Problems arise when the referees, or courts, make and interpret the rules. **Read more here.**

Focus on Federalism

"Draining the Swamp" in States' Backyards Starts with Grant Reform Erin Tuttle I American Principles Project



The passage of the country's second largest spending bill promises a windfall of federal money to states and localities. In many cases, this money will enable the state to address pressing financial needs. It also requires, however, that state legislators ask some questions. Who will control which of these grants come into your state and under what conditions? Who has a seat at the negotiation table? Will it be elected officials, accountable to the people? Or will it be unknown bureaucrats with their own agendas? And to get the money, what policies will these bureaucrats agree to that might impair your state's sovereignty to make its own decisions, or that might inflate state budgets in the long run? Read more here

 model policy based on the concepts outlined in this article will be considered at a Virtual Task Force Meeting of the Federalism Task Force on Wednesday, June 13.

International Trade Benefits the States

Protectionism - Everything Old Is New Again

Karla Jones and Ian Cook I Federalism and International Relations Task Force



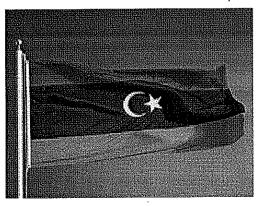
Too many U.S. policy makers have forgotten the lessons learned from protectionist impulses of the past as well as some that have survived to the present. America's current protectionist sugar policy has cost more jobs than it has preserved and led to higher prices on products that hardworking American families buy every day, Sugar Subsidies: A Bitter Pill for the States to Swallow describes the nation's misquided sugar protectionism here . America's most significant economic partners are aggressively pursuing new trade frameworks and updating old ones, and the U.S. risks being left behind. However, America is not the only country that appears to be succumbing to protectionist impulses. Read more here about Mexico's election where the frontrunner is a populist who has threatened to withdraw from NAFTA. Today's free market advocates adopted a tactic from 1930 when 1,028 economists urged Congress not to adopt the Smoot-Hawley tariff. Read more here about a letter submitted to the President and Congress that was signed just last week by more than 1,100 economists voicing opposition to tariffs and protectionism. Ensuring that a free trade agreement is high standard is crucial to the success of a trading partnership. Contact Karla Jones at kjones@alec.org to find out about a letter signed by members of ALEC underscoring the importance of a strong Investor State Dispute Settlement (ISDS) chapter in a modernized NAFTA. We're still collecting signatures --The letter can be accessed here.

International Democracy

A Dark Winter Descends on the Arab Spring: Libya Revisited

Ian Cook I Federalism and International Relations Task Force

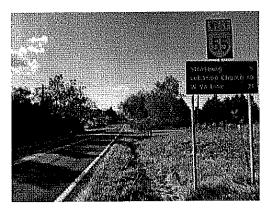
After the hope and excitement for democracy in the Middle East in 2011, the only successful transfer of power from autocracy to democracy is in Tunisia. Its next door neighbor Libya has not been so lucky. **Read more here.**



Public Lands

Good News from the Department of the Interior on Access to Public Lands

Karla Jones I Federalism and International Relations Task Force



The U.S. Department of Interior has made announcements in the past month that while positive, underscore why transferring select portions of the vast tracts of federal land in the American West to state control is long overdue. **Read more about it here.**

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Tue, May 8, 2018 at 5:38 PM

Fwd: This Friday - Debating Work Requirements, Work Availability, and Training

message |

Karen Czarnecki <events@mercatus.gmu.edu>

Reply-To: events@mercatus.gmu.edu

To: latoursm@gmail.com

Good afternoon,

This Friday, May 11, at 10am we are hosting an event focused on work requirements, work availability, and other policies that increase employment opportunities, and I wanted to make sure you had seen the invite below. Duck Donuts will be provided along with coffee and juice, in Rayburn 2237.

Our first panel will touch on the Farm Bill work requirements, the guaranteed jobs proposal from Senator Bernie Sanders, and other proposals to address job market barriers. Jason Fichtner and Harry Holzer will discuss these issues, from both sides of each debate. Professionals from outside of Washington who are engaged in workforce development will share their experiences on the second panel, explaining how they've witnessed federal programs success and failures at a local level.

Register here or let me know if you can make it.

Sincerely,

Karen Czarnecki

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A wakeup call for today's modern workforce.

Why Are There So Many Open Jobs and So Many Americans Without Jobs?

Policy Solutions: Work Requirements, Work Availability,

and Training

100

Each month, there are hundreds of thousands of open jobs in the U.S., and yet there are millions of Americans who do not have a job. Many have given up looking for work.

Will current policies considered by the House, Senate, and Administration help? What else should policymakers consider? Click here to learn more.

Event Details

Register

Friday, May 11, 2018

10AM - 12PM

Duck Donuts will be provided.

Rayburn House Building Room 2237

Opt out of emails for this event in one click,

About the Event

Panel 1: Examining All Angles: Work Requirements, Work Availability, and Education

What are the benefits and limitations of work requirements, training programs, and subsidized work? How can we test such policies?

- Harry Holzer, LaFarge SJ Professor Professor, Georgetown University and Nonresident Senior Fellow, Brookings
 - Jason Fichtner, Senior Research Fellow, Mercatus Center
 - Moderated by: Nick Timiraos, The Wall Street Journal

Panel 2: What Can Help Americans Find Jobs?

Expert panelists will share their experiences with local workforce development programs and the major barriers they encounter in helping the public get back to work.

Mason Bishop, Former Deputy Assistant Secretary, Employment and Training Administration, U.S. Department of Labor

1104

- Sharon Johnson, CEO, Shenandoah Valley Workforce Development Board, Inc. and Chairperson, Virginia Association of Workforce Directors
 - Montez King, Executive Director, NIMS and Appointee to the President's Task Force on Apprenticeship Expansion
- Mardy Leathers, Director, Missouri Division of Workforce Development
- Moderated by: Veronique de Rugy, Mercatus Center

Seating is limited, please RSVP here. For questions, please contact Jen Campbell at jcampbell@mercatus.gmu.edu or (703) 993-4967.

About the Speakers



Mason Bishop is the Principal of WorkED Consulting, LLC, a provider of workforce development and higher education consulting and management services. Previously, Bishop was the Deputy Assistant Secretary in the Employment and Training Administration for the US Department of Labor. He led national workforce policy efforts and initiatives, oversaw key workforce investment programs, and assisted with congressional relations and legislative issues.



Jason J. Fichtner is a Senior Research Fellow at the Mercatus Center at George Mason University. His research focuses on Social Security, federal tax policy, federal budget policy, retirement security, and policy proposals to increase saving and investment. Previously, he served in several positions at the Social Security Administration, including as deputy commissioner of Social Security (acting), chief economist, and associate commissioner for retirement policy.

Harry J. Holzer is a Nonresident Senior Fellow in Economic Studies at the Brookings Institution and the LaFarge SJ Professor at the McCourt School of Public Policy at Georgetown. He previously served as Chief Economist for the U.S. Department of Labor and professor of economics at Michigan State University. Prior to coming to Georgetown, Professor



Holzer served as Chief Economist for the U.S. Department of Labor and professor of economics at Michigan State University.



Sharon Johnson is CEO for the Shenandoah Valley Workforce Development Board, Inc. and Chairperson for the Virginia Association of Workforce Directors. She has over 25 years of talent development experience working with the private sector, public workforce system, economic development, and community colleges. Sharon received her PhD in Human Capital Development from the University of Southern Mississippi and her MS in Adult Education and Human Resource Development from James Madison University.



Montez King is the Executive Director of NIMS, developing national standards and competency-based credentials in manufacturing trades. Montez is responsible for overseeing the administration, programs, and strategic plan of the organization. In October 2017, Montez was appointed to the President's Task Force on Apprenticeship Expansion.



Mardy Leathers was appointed to serve as the Director of the Missouri Division of Workforce Development in October 2017. He most recently served as Executive Director of the Center for Workforce Development at East Central College in Union, Missouri. There, he played a key role in developing the statewide Community College Workforce Development Network and oversaw the college's business and industry training efforts, community education, healthcare career certification and WIOA programs.

Nick Timiraos (moderator) is a national economics



correspondent for *The Wall Street Journal* in Washington, DC. He has covered the housing bust and the government's response to the mortgage crisis, including the bailout of finance giants. Fannie Mae and Freddie Mac. In 2008, he contributed to the *Journal*'s coverage of the presidential election. He joined the *Journal* in 2006 and graduated from Georgetown University, where he studied government and American studies.



Veronique de Rugy (moderator) is a Senior Research Fellow at the Mercatus Center at George Mason University and a nationally syndicated columnist. Her primary research interests include the US economy, the federal budget, homeland security, taxation, tax competition, and financial privacy. Her popular weekly charts address economic issues ranging from lessons on creating sustainable economic growth to the implications of government tax and fiscal policies. She has testified numerous times in front of Congress on the effects of fiscal stimulus, debt and deficits, and regulation on the economy. She received her PhD in economics from the Pantheon-Sorbonne University.

accordance with the widely-attended event exception to congressional gift rules and This event is free and open to the general public. This event has been planned in government ethics memoranda. Breakfast will be provided

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This Week At ALEC - 5/10/2018

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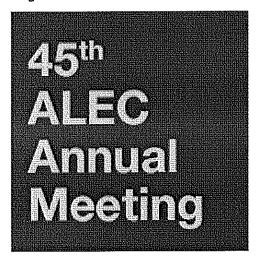


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45th ALEC Annual Meeting

Registration for the 45th ALEC Annual Meeting is Now Open



With a successful Spring Task Force Summit in the books, ALEC begins to look ahead to its flagship conference. The 45th ALEC Annual Meeting will take place in New Orleans, LA from August 8-10. Registration for Annual Meeting is now open with Early Bird Rates in effect. Book now to save. ALEC looks forward to seeing you in Louisiana.

Register Here

International Trade

Modernization of the North America Free Trade Agreement

Karla Jones I Federalism and International Relations

The American Legislative Exchange Council has produced a letter to the Executive Office



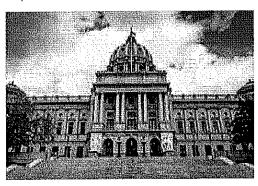
regarding needed modernization of the North America Free Trade Agreement (NAFTA) while preserving the economic and commercial benefits of the agreement.

Read Letter

Legislator Voices

Dispatch from the States: Judicial Overreach and Rewriting the Rules in the Middle of the Game in Pennsylvania

Representative Cris Dush I PA-66



On January 22, 2018, the Pennsylvania Supreme Court decided the role of referee wasn't good enough. The Court announced that it would usurp power lawfully held by the owners of the Constitution (The People) to create its own piece of law by drawing a new Congressional District Map for the Commonwealth. This was a clear violation of its authority in its role as "referee" of the law.

Read Article

ALEC CARE

Constituent Relations at Your Fingertips with ALEC CARE



As an ALEC member you receive access to an online system for all constituent management needs. Track issues of concern, take notes regarding constituent calls, and even execute your own surveys to better know how to position yourself on key issues in your district. To activate your personal account, and schedule an online webinar to review the platform, contact our C.A.R.E. Associate, Aaron Gillham, at agillham@alec.org.

State of the State Analysis

Center For State Fiscal Reform Continues State of the State Analyses

Christine Smith I Center for State Fiscal Reform

The Center For State Fiscal Reform continues its State of the State Analyses. These identify both strong and weak policies outlined in each governor's address and how they can have an effect on the state's economic outlook. New this week are **Wisconsin** and **Ohio**. To view all analyses, follow the link below.



Click here to visit richstatespoorstates.org, where you can see the newest data, find where your state ranks and compare it against other states and historical trends to see the impact of tax reform and strong and weak economic policies.

View Articles

ALEC-FreedomWorks Legislator of the Week

Driving Economic Growth in Virginia Delegate Kathy Byron I VA-22



This week, ALEC and FreedomWorks introduce Virginia Delegate Kathy Byron. As an owner and operator of a small business for 26 years, Delegate Byron has seen how restrictive overregulation can hamstring an otherwise vibrant economy. To that end, she has helped to create Workforce Opportunity Grants and continues to work to eliminate archaic policies that stife economic opportunity.

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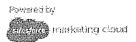
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Events and Education - 5/15/2018

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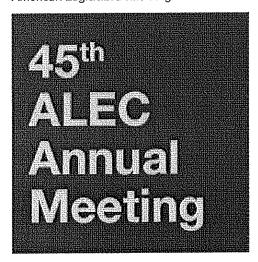
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ALEC 45th Annual Meeting

45th Annual Meeting Registration Now Open American Legislative Exchange Council



Registration is now open for the **45th ALEC Annual Meeting.** The meeting will take place **August 8-10 in New Orleans, LA.** To register, or to learn more about the event, follow the link below to the meeting page. ALEC looks forward to seeing you in New Orleans.

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ALEC In the News

Tax Reform's Second Windfall is Occurring at the State Level Jonathan Williams I Center for State Fiscal Reform I *The Hill*



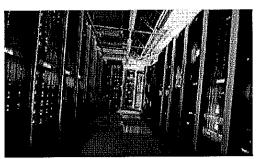
The untold story of federal tax reform's success is the opportunity the new law has provided policymakers across America's 50 "laboratories of democracy," where unexpected tax receipts that are directly linked to changes in the federal tax code have been a game changer in many state capitols this year.

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Innovation and Technology

Lessons from GDPR: Regulations Harm Consumers by Reducing Options

Jonathon Hauenschild I Communications and Technology

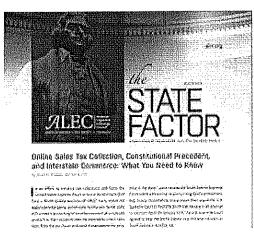


Government attitudes toward technology are changing. A number of legislators, from both the right and left, want to find ways to regulate the sector. This is especially true regarding online platforms. Governments sell most regulatory schemes to the public as "for the benefit of the consumer." But what benefits the consumer most, overbearing government regulatory schemes or increased competition?

Read Article

Online Sales Tax

What You Need To Know About South Dakota v. Wayfair and Online Sales Tax



The U.S. Supreme Court heard oral arguments last month for *South Dakota v. Wayfair*, which concerns the collection of online sales tax. ALEC has followed the issue closely and has produced helpful materials for anyone trying to further understand or work on the topic. ALEC has produced both a **State Factor Report** and an **Amicus Brief** dealing with Online Sales Tax and the *Wayfair* case.

State Factor

Amicus Brief



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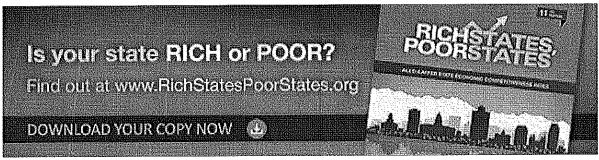
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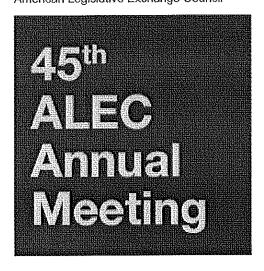
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ALEC In the News

Tax Reform's Second Windfall is Occurring at the State Level Jonathan Williams | Center for State Fiscal Reform | The Hill

The untold story of federal tax reform's success is the opportunity the new law has

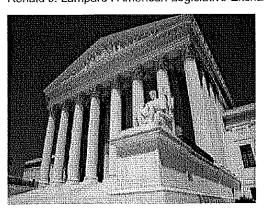


provided policymakers across America's 50 "laboratories of democracy," where unexpected tax receipts that are directly linked to changes in the federal tax code have been a game changer in many state capitols this year.

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Expert Insight

Supreme Court Strikes Down Federal Law that Prevented Gambling On Sports Ronald J. Lampard I American Legislative Exchange Council



States now have the authority to legalize sports gambling. The United States Supreme Court struck down the Professional and Amateur Sports Protection Act (PASPA) on 10th Amendment and anti-commandeering grounds. Ultimately, now states and sovereign tribal nations will have the authority to decide whether or not to permit sports betting in their respective territories.

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Innovation and Technology

Lessons from GDPR: Regulations Harm Consumers by Reducing Options
Jonathon Hauenschild I Communications and Technology



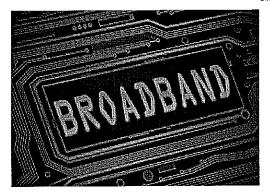
Government attitudes toward technology are changing. A number of legislators, from both the right and left, want to find ways to regulate the sector. This is especially true regarding online platforms. Governments sell most regulatory schemes to the public as "for the benefit of the consumer." But what benefits the consumer most, overbearing government regulatory schemes or increased competition?

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Regulation in Innovation

Democrats Hope to Restore Heavy-Handed Internet Regulations Through Senate Vote Jonathon Hauenschild I Communications and Technology

Unless there is a legislative solution, the

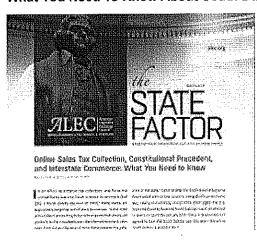


regulatory back-and-forth is likely to continue. An FCC controlled by a Democratic administration is likely to attempt to reinstate the burdensome Title II rules, while a Republican-controlled FCC is likely to respect Congress's wish to have an internet "unfettered by federal or state regulations." Legislation will give internet access providers the certainty they need, and it will end the regulatory back-and-forth.

Read Article

Online Sales Tax

What You Need To Know About South Dakota v. Wayfair and Online Sales Tax



The U.S. Supreme Court heard oral arguments last month for South Dakota v. Wayfair, which concerns the collection of online sales tax. ALEC has followed the issue closely and has produced helpful materials for anyone trying to further understand or work on the topic. ALEC has produced both a State Factor Report and an Amicus Brief dealing with Online Sales Tax and the Wayfair case.

State Factor

Amicus Brief

ALEC CARE

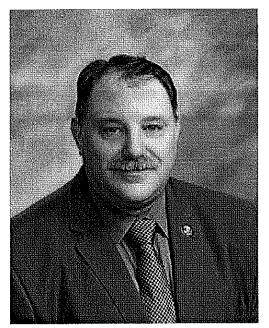
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As an ALEC member you receive access to an online system for all constituent management needs. Track issues of concern, take notes regarding constituent calls, and even execute your own surveys to better know how to position yourself on key issues in your district. To activate your personal account, and schedule an online webinar to review the platform, contact our C.A.R.E. Associate, Aaron Gillham, at agillham@alec.org.

ALEC-FreedomWorks Legislator of the Week

Driving Opportunity in South Dakota Representative Michael Clark I SD-9



This week, ALEC and Freedomworks recognize South Dakota State Representative Michael Clark as the Legislator of the Week. Representative Clark is a military veteran who decided to get involved in his district when no one else would "pick up the ball." He values the importance of creating a strong foundation for both government and opportunity to thrive in his state.

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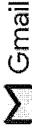
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Sarah LaTourette Kayser <atoursm@gmail.com>

Your ALEC Tuesday Update - 5/22/18

1 message

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To: latoursm@gmail.com

Tue, May 22, 2018 at 12:12 PM

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ALEC Tuesday Update - May 22, 2018

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ALEC In the News

Tax Reform's Second Windfall is Occurring at the State Level Jonathan Williams I Center for State Fiscal Reform I The Hill



The untold story of federal tax reform's success is the opportunity the new law has provided policymakers across America's 50 "laboratories of democracy," where unexpected tax receipts that are directly linked to changes in the federal tax code have been a game changer in many state capitols this year. Read the op-ed that has

Gmail - Your ALEC Tuesday Update - 5/22/18

everyone from Ways and Means to the West Wing talking about Tax Reform.

Read Article

Tax Cuts Work For Manufacturing

Survey: Tax Reform Has Been "Rocket Fuel" For Manufacturers National Association of Manufacturers

TAX REFORM IS FUELING MANUFACTURING





facilities. Tax Cuts are truly working for these percent are investing in new equipment and Manufacturers' new "Keeping Our Promise" 77 percent are hiring more workers and 86 manufacturing sector driven by federal tax reform. 72 percent of manufacturers are increasing employee wages or benefits, Campaign, a survey was released that As part of the National Association of Illustrated the economic growth in the millions of Americans.

Learn More

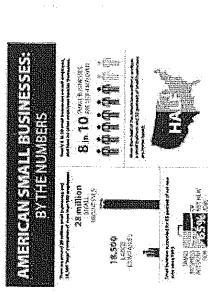
Tax Cuts Work for Small Businesses

Tax Reform Contributes to Lowest Unemployment Since 2000, Highest Optimism for Small Businesses

Job Creators Network

According to a new report from the Bureau of unemployment rate among African Americans climate has also coincided with the highest small business owner optimism level since dropped to 3.9 percent in April-the lowest evel since the year 2000. Additionally, the Labor Statistics, the unemployment rate recorded history. The positive economic and Latinos fell to their lowest levels in

.



2015. More specifically, according to the recent poll from Bank of America, 60 percent of small businesses expect revenues to increase, 22 percent plan to hire more people, 69 percent plan to expand, and 60 percent plan to grow over the course of the next year.

Learn More

Online Sales Tax

What You Need To Know About South Dakota v. Wayfair and Online Sales Tax

A Supreme Court decision is expected soon for the case of South Dakota v. Wayfair, which concerns the collection of online sales tax. ALEC has followed the issue closely and has

MIECE FACTOR

Online Soles For Cotterior, Consecutional Precedent
and Interstation Connessee What Pow tends to Many

ALEC has followed the issue closely and has produced helpful materials for anyone trying to further understand the topic and the potential effects of the court's decision. ALEC has produced both a **State Factor Report** and an **Amicus Brief** dealing with Online Sales Tax and the *Wayfair* case.

State Factor

Amicus Brief

Expert Opinion

Abandoning NAFTA Would be Catastrophic for State Economies Karla Jones I International Relations and Federalism I The Hill

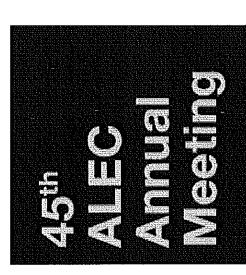


(SMEs) are primary beneficiaries. Seventy-Mexico have fewer than 50 employees. five percent of companies exporting to Canada and 73 percent exporting to States rely on SMEs to create jobs.

Read Article

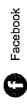
ALEC 45th Annual Meeting

45th Annual Meeting Registration Now Open American Legislative Exchange Council



register, or to learn more about the event, follow the link below to the meeting page. ALEC looks Registration is now open for the 45th ALEC place August 8-10 in New Orleans, LA. To Annual Meeting. The meeting will take forward to seeing you in New Orleans.

Register Here









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Ohio Report, Tuesday, May 22, 2018

1 message

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OHIO REPORT

Bil Tacking Legislation 0 0 2

TUESDAY, MAY 22 OHIO REPORT

Stand Your Ground' Bill Reported By House Panel

House Appears Poised To Elect Speaker After Several False Starts

Human Trafficking Bill Clears House Committee While Panel Debates Another

Lawmakers Question Amended Child Marriage Ban

Mandatory Bindover Bill Advances Despite Prosecutors' Concerns

Tax Credit Testimony Shines Lìght On Challenges Faced By Volunteer Firefighter Groups

Democrats, Advocates Continue Pressing For Wind Setback Revision

Medical Marijuana Closed-Loop Payment System Bill Fails In House Committee Vote

Advocates Of A-F Report Card System Push Back

Sponsor Details 'Cure Bill' Before Senate Committee

Sponsor Continues Push For Committee Vote On Submetering Bill

Resource Officer Conference Scheduled; ODE recognizes Purple Star State Unveils Toolkit Aimed at Keeping Students Healthy; School

Governor's Appointments

Supplemental Agency Calendar

Supplemental Event Planner

Senate Committee Hearings

Local Government, Public Safety & Veterans Affairs

Insurance & Financial Institutions

Judiciary

Finance

Agriculture

Health, Human Services & Medicaid

House Committee Hearings

Ways & Means

Finance

Public Utilities

Government Accountability & Oversight

Criminal Justice

Federalism & Interstate Relations

Economic Development, Commerce & Labor

Education & Career Readiness

ACTIVITY REPORTS

House

Senate

CALENDARS

Day Planner

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Daily Activity Planner for Wednesday, May 23

Legislative Committees

Joint Education Oversight Committee (Committee Record) (Chr. Manning, G., 466-8150), North Hearing Rm., 8:30 a.m.

• Presentation by State Superintendent Paolo DeMaria and update on progress of other research projects (tentative)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m.

HBWATER SEWER SERVICES (<u>Duffey, M., Lanese, L.</u>) To penalize a municipal corporation for engaging in 602 certain actions related to its provision of water and sewer services outside of its territory by reducing or withholding payments the municipal corporation receives from the Local Government Fund and rendering the municipal corporation ineligible for state water and sewer development funds. (2nd Hearing-Proponent)

SB VOTING EQUIPMENT (<u>LaRose, F.</u>) To make supplemental operating appropriations for the FY 2018-FY 1352019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program. (3rd Hearing-All testimony-Possible amendments & vote)

HBWATER IMPROVEMENTS (Arndt, S., Patterson, J.) To allow equipment for the protection and 643 preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. (3rd Hearing-All testimony)

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

HBDIABETES TESTS (Gonzales, A.) To classify as adulterated a nonprescription diabetes test device that was 642not purchased or acquired directly from the device's manufacturer or an authorized distributor, to establish recordkeeping and other requirements for pharmacists who dispense nonprescription diabetes test devices, and to declare an emergency. (1st Hearing-Sponsor)

<u>HBCONTROLLED SUBSTANCES (Ginter, T., Sprague, R.)</u> To require pharmacists to offer to dispense 231controlled substances in lockable or tamper-evident containers. (7th Hearing-Possible vote)

HBPRESCRIBING AUTHORITY (Seitz, B., Gavarone, T.) To authorize certain psychologists to prescribe 326psychotropic and other drugs for the treatment of drug addiction and mental illness. (3rd Hearing-All testimony-Possible amendments)

HBMEDICAID DRUG BENEFITS (<u>Lipps, S., Koehler, K.</u>) To provide for the prescribed drugs benefit to be 465 delivered under the Medicaid program through the fee-for-service system. (1st Hearing-Sponsor)

HBTELEMEDICINE (Patton, T.) To prohibit health benefit plans from treating telemedicine services 546differently from in-person health care services solely because they are provided as telemedicine services. (3rd Hearing-Opponent & interested party)

HBCHILD IMMUNIZATIONS (Gonzales, A., Landis, A.) To make changes to the law governing 559 immunization of children enrolled in school, preschool programs, and day-care programs. (3rd Hearing-Opponent)

HBART THERAPY (Anielski, M.) To require the licensure of art therapists and to require the State Medical 557Board to regulate the licensure and practice of art therapists. (4th Hearing-All testimony-Possible vote)

Senate Ways & Means (Committee Record) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

SB VISITORS BUREAUS (Peterson, B.) To authorize local elected officers that have levied a hotel lodging 252 excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices. (5th Hearing-All testimony-Possible vote)

HBOHIO RESIDENCY (Scherer, G.) To modify the test for determining an individual's state of residence for 292 income tax purposes. (6th Hearing-All testimony-Possible amendments & vote)

HBENERGY TAX EXEMPTION (Schaffer, T.) To expand the scope of a sales and use tax exemption for 430 certain kinds of property used in the production of oil and gas. (5th Hearing-All testimony-Possible amendments & vote)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 017, 9:30 a.m.

SB SCHOOL REGULATIONS (<u>Huffman</u>, <u>M.</u>) To enact the "Ohio Public School Deregulation Act" regarding 216 the administration of preschool and primary and secondary education programs. (3rd Hearing-All testimony-Possible amendments & vote)

HB SCHOOL REPORT CARDS (<u>Duffey, M.</u>) To revise the state report card rating system for school districts 591 and public schools. (3rd Hearing-All testimony-Possible amendments)

House Insurance (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 115, 10 a.m.

HBDEATH BENEFITS (Hughes, J.) To revise the payments that surviving family members receive from the 621Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (1st Heariang-Sponsor)

HBDENTAL INSURANCE (DeVitis, T.) To prohibit a health insurer from establishing a fee schedule for 367 dental providers for services that are not covered by any contract or participating provider agreement between the health insurer and the dental provider. (3rd Hearing-All testimony-Possible vote)

HBWORKERS' COMPENSATION (Henne, M.) To allow groups of employers to be granted status as a self-

<u>HBWORKERS' COMPENSATION (Henne, M.)</u> To allow groups of employers to be granted status as a se 459 insuring employer for purposes of the Workers' Compensation Law. (3rd Hearing-Opponent)

House Transportation & Public Safety (Committee Record) (Chr. Green, D., 644-6034), Rm. 116, 10 a.m.

 Autonomous and connected vehicle study presentations involving Thea Walsh of the Mid-Ohio Regional Planning Commission; Brett Roubinek of the Transportation Research Center; Jan Weisenberger of Ohio State University and Michael Stevens of the City of Columbus

SB ROAD NAMING (Hottinger, J.) To designate a portion of U.S. Route 40 in the Village of Kirkersville as the "The Steven Eric Disario Memorial Highway." (1st Hearing-All testimony-Possible amendments & vote)

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 10:15 a.m.

SB STUDENT EXPULSIONS (Kunze, S.) With respect to the expulsion of a student from a school district, 289 community school, or STEM school for communicating a threat of violence to occur on school grounds. (1st Hearing-Sponsor)

<u>HB COMMUNITY SCHOOLS</u> (<u>Hambley, S.</u>) Regarding verification of community school enrollments. (6th <u>21</u> Hearing-All testimony-Possible amendments & vote)

HB COMMUNITY SCHOOLS (Roegner, K.) Regarding public moneys returned to the state as a result of a

87 finding for recovery issued pursuant to an audit of a community school. (3rd Hearing-All testimony)

SB NONPUBLIC SCHOOLS (Terhar, L., Thomas, C.) To establish a category of nonpublic schools called
241 "accredited nonpublic schools" and to prescribe requirements and exemptions for such schools. (3rd Hearing-Opponent)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

House Rules & Reference (Committee Record) (Chr. Rosenberger, C., 466-3506), Rm. 119, 11:30 a.m.

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

House Armed Services, Veterans Affairs & Homeland Security (Committee Record) (Chr. Johnson, T., 466-2124), Rm. 116, 2 p.m. or after session

SB MILITARY TRANSFERS (<u>LaRose, F., Williams, S.</u>) To permit persons who quit work to accompany the <u>116</u>person's spouse on a military transfer to be eligible for unemployment compensation benefits. (1st Hearing-Sponsor)

HBVETERAN RESIDENCY (Ramos, D.) To exempt veterans from the three-month county residency 636 requirement to be eligible for financial assistance from the county veterans service commission, if the veteran has relocated to the county from another Ohio county, state, or United States territory after the Governor or President of the United States declares a disaster or emergency. (1st Hearing-Sponsor)

<u>HBDAY DESIGNATION (Ramos, D.)</u> To declare November 23rd as "Fleet Admiral Ernest Joseph King Day." <u>579</u>(2nd Hearing-All testimony-Possible vote)

HBDOG FEES (McClain, R.) To exempt certain disabled veterans from paying a dog registration fee when 558 application is made to the county auditor that includes proof that the dog is an assistance dog. (2nd Hearing-Proponent)

House Civil Justice (Committee Record) (Chr. Butler, J., 644-6008), Rm. 121, 3 p.m. or after session

<u>HBNUISANCE PROPERTIES (Lipps, S., Miller, A.)</u> To expedite public nuisance and blight foreclosure <u>482</u> actions and to declare an emergency. (1st Hearing-Sponsor)

HBPROBATE LAW (Cupp, R., Rezabek, J.) Relative to procedures for a testator to file a declaratory judgment 595 action to declare the validity of a will prior to death and the settlor of a trust to file such an action to declare its validity, exceptions to antilapse provisions in class gifts in wills and trusts, incorporation of a written trust into a will, trusts for a minor, arbitration of trust disputes, the creation of county and multicounty guardianship services boards, and coroner's disposition of person dying of suspicious or unusual death. (2nd Hearing-All testimony-Possible amendments & vote)

providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (6th Hearing-All testimony-Possible vote)

<u>HBDESIGN CONTRACTS</u> (<u>Seitz</u>, <u>B.</u>) To regulate the use of indemnity provisions in professional design <u>554</u>contracts related to public improvements. (3rd Hearing-All testimony)

House Community & Family Advancement (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 3 p.m. or after session

HBSUBSTANCE ABUSE (Young, R.) To require the Department of Health to publish monthly drug overdose 427 death information for each county, to create grant programs to support faith-based substance abuse services, to authorize an income tax deduction for physicians providing such services for free, and to allocate funds and make an appropriation for the grant programs. (7th Hearing-All testimony-Possible vote)

HBKINSHIP CAREGIVERS (Boyd, J., Rezabek, J.) To require a region-based kinship caregiver navigator 126program. (6th Hearing-All testimony-Possible substitute & vote)

HBABUSE REPORTING (Lanese, L., Perales, R.) To establish animal abuse reporting requirements, to 523 require the Department of Defense Family Advocacy Program to be notified when a person serving in the armed forces is investigated for child abuse or neglect or domestic violence, and to modify the laws regulating counselors, social workers, and marriage and family therapists. (4th Hearing-All testimony-Possible vote)

<u>HBMONTH DESIGNATION</u> (<u>Sykes, E., Boyd, J.</u>) To designate the month of November as Ohio Adoption <u>420</u> Awareness Month. (3rd Hearing-All testimony-Possible vote)

HBPRIVATE IMAGES (Rogers, J., Manning, N.) To prohibit the nonconsensual dissemination of private 497 sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and employment protections of a victim of the offense. (3rd Hearing-All testimony-Possible amendments)

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), South Hearing Rm., 3:15 p.m. or after session

• Confirmation hearing on governor's appointments of Timothy Staup and Lori Kershner, Motor Vehicle Salvage Dealers Board and Norman Lane, State Fire Commission

HBLICENSE FEES (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary 336 instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative. (4th Hearing-All testimony-Possible amendments)

HBVIOLENCE DATABASE (Seitz, B., West, T.) To require the Attorney General to establish a database of 259 persons who have committed an offense of violence at an A-1-A, A-1c, or D liquor permit premises and to provide access to the database to holders of those categories of liquor permits. (4th Hearing-All testimony-Possible amendments)

<u>SB</u> ADMINISTRATIVE REGULATIONS (<u>Peterson, B., McColley, R.</u>) To require agencies to reduce the <u>293</u>number of regulatory restrictions. (2nd Hearing-Proponent)

SB ROAD NAMING (<u>Tavares</u>, <u>C.</u>) To designate the entrance ramp from West Broad Street onto Interstate <u>136</u>Highway 70 in Franklin County as the "G. Thomas Turner, Sr. I-70 East Entrance Ramp." (1st Hearing-Sponsor)

SB ROAD NAMING (<u>Tavares</u>, <u>C.</u>) To designate a portion of the eastbound lanes of I-70 in Franklin County as <u>137</u>the "Judge Robert Duncan Memorial Highway." (1st Hearing-Sponsor)

House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 122, 3:30 p.m. or after session

HBRETIREMENT CREDIT (Scherer, G., Howse, S.) Regarding Public Employees Retirement System 572 service credit for services as a nonteaching school employee of a county board of developmental disabilities. (2nd Hearing-All testimony)

SB ELDER FRAUD (Wilson, S.) To develop best practices and educational opportunities to combat elder fraud 158 and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (2nd Hearing-Proponent)

Agency Calendar

Canceled: Pharmacy Board, Rms. South-B&C, 31st Fl., 77 S. High St., Columbus, 8:30 a.m. (Special meeting on medical marijuana issues)

BWC Board of Directors, Rm. 3, Level 2, 30 W. Spring St., Columbus, 9 a.m. (The Investment Committee meets 9-10:30 a.m.; the Actuarial Committee 10:30-Noon.; the Audit Committee 1-2 p.m.; the Medical Services and Safety Committee 2-3 p.m.; and the Governance Committee 3-4 p.m. The Actuarial, Medical Services and Safety and Governance Committee meetings may begin earlier if the preceding meeting adjourns earlier than scheduled.)

State Personnel Board of Review, 12th Fl., 65 E. State St., Columbus, 10 a.m.

ABLE Account Advisory Board, 77 S. High St., 31st Fl. East B., Columbus, 11 a.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Event Planner

Rep. Kent Smith (D-Euclid) fundraiser, Einstein Bros. Bagels, 41 S. High Street, Columbus, 8 a.m., (Sponsor \$1,000, Host \$500, Friend \$350 to Kent Smith Committee)

Convention of States Ohio rally, West Plaza, Statehouse, Columbus, 9:30 a.m.

Ohio Licensed Beverage Association Legislative Luncheon, 41 S. High St., 37th Floor, Columbus, 11:30 a.m.

Rep. John Becker (R-Union Township) fundraiser, Ringside, 19 N. Pearl St., Columbus, 11:30 a.m., (Host: \$1000; Sponsor:\$500; Host:\$350 to Friends of Becker)

Rep. Steve Huffman (R-Tipp City) fundraiser, Pub Mahone, 31 E. Gay Street, Columbus, 12 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Steve Huffman for Ohio)

Rep. Doug Green (R-Mt. Orab) fundraiser, OHROC, 21 W Broad St. 7th Floor, Columbus, 4:30 p.m., (Host: \$1000; Sponsor: \$500; Host: \$350 to Committee to Elect Doug Green)

Ohio Tourism Works Legislative Reception, Capital Club - Le Bistro Rm., 41 S. High St., Columbus, 4:30 p.m.

Rep. Kristina Roegner (R-Hudson) and Bill Roemer fundraiser, Buckeye Bourbon House, 36 E. Gay Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Kristina Daley Roegner for Ohio and/or Committee to Elect Bill Roemer)

Sen. Matt Dolan (R-Chagrin Falls) fundraiser, Fat Head's Brewery, 24581 Lorain Road, N. Olmstead, 5:30 p.m., (Host: \$250 to Friends of Matt Dolan)

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Senate Activity for Tuesday, May 22, 2018

COMMITTEE HEARINGS

Local Government, Public Safety & Veterans Affairs

HBRECORDS EXEMPTION (Hambley, S., Rezabek, J.) To exempt from the Public Records Law certain information concerning a minor that is included in a record related to a traffic accident involving a school vehicle in which the minor was an occupant at the time of the accident. (REPORTED-AMENDED; 1st Hearing-All testimony-Possible amendments & vote)

Sen. Bob Hackett (R-London) offered offered an amendment that was accepted without objection.

Chairman Sen. Joe Uecker (R-Loveland) said the amendment would create an exemption allowing journalists to view the records that would be withheld from the general public.

The committee voted to move the measure forward with no dissenting votes.

SCR FEDERALISM (Obhof, L., Peterson, B.) To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed. (CONTINUED; 2nd Hearing-All testimony-Possible vote)

Daniel Dew, legal fellow with the Buckeye Institute, in interested party testimony said that federalism has been eroded several times in the country's history. He cited the adoption of the 17th amendment, which requires the direct election of U.S. senators, and multiple U.S. Supreme Court decisions dating to President Franklin Roosevelt's administration as examples.

"Few would argue that federalism today remains the robust stalwart against federal encroachment that James Madison and Alexander Hamilton envisioned," he said. "The ebbs and flows of history and jurisprudence have taken their toll."

Mr. Dew said the federal government also has reduced the power of the states by influencing them to change policies in order to receive large amounts of funding, which he argued Ohio's legislature should resist.

<u>Sen. Cecil Thomas</u> (D-Cincinnati) asked Mr. Dew why the resolution should be directed at Congress, instead of the U.S. Supreme Court, which ultimately has the power to rule on whether the federal government's actions are constitutional.

Mr. Dew said that while the Supreme Court may be the final arbiter of constitutionality, Congress can take many steps to push back on the federal government's encroachment on the states' traditional role in government.

Insurance & Financial Institutions

HBFINANCIAL INSTITUTIONS (Dever, J.) To provide some regulatory and tax relief to state banks and 489 credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an

estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection. (CONTINUED; 1st Hearing-Sponsor & proponent)

Sponsor Rep. Jonathan Dever (R-Cincinnati) said the legislation is designed to improve the environment in which small lending institutions operate.

"Nationally, over 6,000 small lending institutions have shuttered since 2010," he said. "In the event of another recession, like the one in 2008, our state will not have enough diversity in our financial services sector to weather the storm."

The proposal includes provisions allowing financial institutions to remedy and report mistakes such as unintentional clerical errors without fear of retribution from state regulators, he said.

Rep. Dever told <u>Sen. Bill Beagle</u> (R-Tipp City) the list of bona fide errors that would be included in the second chance rule is listed in the statute and largely includes clerical issues, not data breaches.

Dustin Holfinger, vice president of state government relations at the Ohio Bankers League, said the proposal includes a variety of regulatory relief for state-chartered institutions. One is the ability for banks with certain ratings and assets under \$10 billion to extend their examination schedule from an 18-month cycle to a 24-month cycle.

"This would assist the bank by allowing it to focus more on what it does best - serve customers without the additional presence of multiple examiners," he said.

Emily Leite, vice president of government affairs the Ohio Credit Union League, said federal regulations in the wake of the 2008 financial crisis made it more difficult for small financial institutions to comply with regulations.

"While the State of Ohio has little jurisdiction over federal regulation, HB489 is a step in the right direction towards remedying burdensome state banking regulations without compromising institutional safety and soundness," she said.

The measure received written support from Marc Dann, founding partner of DannLaw, who said it would make mortgage servicers subject to registration and regulation under the Residential Mortgage Lending Act.

"Anyone who has worked within, studied, or observed the evolution of mortgage lending since the collapse of the housing market understands why Ohio must begin to regulate mortgage servicers in general and debt buyers who traffic in defaulted and often underwater second mortgages in particular," he said.

SB HEALTH PLAN CLAIMS (<u>Huffman, M.</u>) To require health plan issuers to release certain claim information to group plan policyholders. (**REPORTED** (**No testimony**); 5th Hearing-All testimony)

<u>SB</u> PHARMACY SERVICES (<u>Dolan, M.</u>) To permit certain health insurers to provide payment or <u>265</u>reimbursement for services lawfully provided by a pharmacist and to recognize pharmacist services in certain other laws. (CONTINUED; 3rd Hearing-Opponent & interested party)

Miranda Motter, president and CEO of the Ohio Association of Health Plans, said in written interested party testimony that the legislation contains two potential issues. She said the measure in its current form represents a mandate for health plans, and suggested it be changed to make clear it is voluntary. The other issue is that the contracting requirements are unclear.

"For months, OAHP has been engaged with the Ohio Pharmacists Association to identify long-term financially sustainable business model solutions for Ohio's pharmacists," she said. "OAHP and the plans have been engaged with OPA to understand the independent pharmacists' concerns. Health care is constantly changing and

determining the ways pharmacists and pharmacies can distinguish themselves in this market will be very important to long term sustainability."

Keith Lake, vice president of government affairs for the Ohio Chamber of Commerce, submitted written testimony in opposition to the measure.

The chamber doesn't generally oppose allowing insurers to reimburse pharmacists for providing any health care services they are legally authorized to provide, he said. The chamber's concerns stem from a provision he said appears to require insurers to reimburse pharmacists without any restrictions or limitations, language that could interfere with plans' ability to negotiate terms with providers. Plans should maintain the ability to build networks that include some, but not all, providers, he said.

"Therefore, we urge amending the bill to ensure that only pharmacists who are 'participating providers' - a term already present in Ohio law - and have a health care contract with an insurer are entitled to reimbursement for health care services rendered to an enrollee under the health care contract," he said.

SB RATING AGENCIES (<u>Hackett</u>, <u>B.</u>) To enact for the Revised Code a definition of the term "rating 273 agency." (CONTINUED; 3rd Hearing-Opponent & interested party)

Michael Farley, vice president of government affairs and general counsel for the Ohio Insurance Institute, said in written testimony that the legislation would create a framework for future legislative consideration of insurance rating agencies. It also provides clarity for references to specific rating agencies and promotes competition, he said.

"This legislation puts forth necessary clarity in referencing insurance rating agencies," he said.

SB NURSE ANESTHETISTS (<u>Burke</u>, <u>D.</u>) Regarding the authority of certified registered nurse anesthetists to 275 administer drugs in addition to anesthesia and to select and order certain other drugs. (CONTINUED; 2nd Hearing-Proponent)

The Ohio State Medical Association and the Ohio Society of Anesthesiologists said in written testimony that they are both neutral on the proposal. The groups said the legislation will expand the scope of practice for certified registered nurse anesthetists while maintaining a team-based model of care.

"It is important to note that this bill is a compromise piece of legislation and one that our organizations worked very hard to achieve consensus on," they wrote. "Critical to this bill is the provision allowing the supervising physician to determine that the physician, not the CRNA, will order the necessary drugs for the patient in the immediate post-operative period. While CRNAs gain great flexibility to order drugs for the patient under the bill, the supervising physician may still want to order the drugs for the patient based on the type of surgery involved or the patient's acuity level."

Dr. Andrew Thomas, senior associate vice president for health sciences at the Ohio State University Wexner Medical Center, wrote in support of the measure.

"We support allowing each facility to determine the best way to provide patient care that utilizes the skills and knowledge of the CRNA and ensure appropriate team-based interaction between the CRNA and physicians in the anesthetic care of each patient," he wrote.

Governor's Appointments: The committee recommended full Senate confirmation of the governor's appointments of Kenneth Haffey, Tracie Sanchez, Michael Taylor and Frederick Treuhaft to the BWC Board of Directors.

Subscribers Note: Full testimony is available on the committee's website under May 22.

Judiciary

<u>HB</u>ACCESSIBILITY LAWS (<u>McColley, R., Rezabek, J.</u>) To authorize an alleged aggrieved party to provide a https://mail-attachment.googleusercontent.com/attachment/u/0/?ui=2&ik=633a3672ae&view=att&th=1638a57863a5f76c&attid=0.2&disp=inline&safe=1&zw&saddt

271notice of an alleged accessibility law violation in advance of filing a civil action and to establish the circumstances under which an alleged aggrieved party is entitled to attorney's fees in a civil action based on the violation. (CONTINUED; 1st Hearing-Sponsor)

Rep. Jeff Rezabek (R-Clayton) said the aim of the bill is to preserve the integrity of the Americans With Disabilities Act.

"While the purpose of the American with Disabilities Act was to ensure that disabled individuals had the same opportunities as everyone else to participate in the mainstream of American life, many instances of abuse of this law have been brought to our attention recently," he said in sponsor testimony. "For example, pre-suit notifications or 'demand letters' are often sent to businesses such as grocery stores for extremely minor and unnoticeable violations of the ADA."

The measure would require notice of an access violation before filing suit, along with a cure period.

"We are not seeking to discourage or delay compliance with the ADA standards, but rather provide an environment that is beneficial for both the businesses and the people of Ohio," Rep. Rezabek said. "This legislation will encourage that violations actually be corrected rather than both parties going through the costly expense of a lawsuit."

HB ADOPTIONS (Rezabek, J.) To require the juvenile court judge to provide written consent to certain adoptions involving abused, neglected, or dependent children. (CONTINUED; 2nd Hearing-Proponent-Possible amendments)

David Haverfield, director of Tuscarawas County Job & Family Services, said the measure will solve a problem created by a 2016 Ohio Supreme Court decision.

"In that case, the Ohio Supreme Court held that the probate court has exclusive jurisdiction to approve an adoption of a child that was already subject to the jurisdiction of the juvenile court where a child protection case was already pending," he said.

The legislation, Mr. Haverfield added, provides a clear process to determine which court has jurisdiction in such cases.

"This legislation will not make adoption more difficult or harder for families to achieve," he said. "Only in cases where a child is in the temporary custody of a public children services agency or under the protective supervision of an agency will this statute come into play."

Mary Wachtel, director of public policy at the Public Children Services Association of Ohio also called for more clarity after the high court's ruling.

"Much of Ohio's juvenile code was developed in the 1970s and could not anticipate several key factors that make the impact of the decision especially challenging and relevant," she said in written proponent testimony. "These include the rise in importance of relative placement to help assure better outcomes for the child and how to resolve conflicts when a parent or other caregiver does not agree with decisions of the court. In some ways, it is not surprising that it took until 2016 for these issues to come to the forefront in the way that they did in this case."

Delaware County Juvenile Court Judge Dave Hejmanowski, testifying on behalf of the Ohio Judicial Conference, said the legislation will have the greatest impact on large counties in which jurisdictional issues more often arise.

HBPARENTAL RIGHTS (Gonzales, A., Rezabek, J.) To generally prohibit a person's blindness from being 309 used to deny or limit custody, parenting time, visitation, adoption, or service as a guardian or foster caregiver, regarding a minor. (CONTINUED; 2nd Hearing-Proponent)

Richard Payne, testifying on behalf of the National Federation of the Blind Ohio, said the measure will outlaw a form of discrimination in which blind persons are denied or limited custody of their children.

"To deny a blind person this opportunity is extremely cruel and unnecessary," he said.

Heather Leiterman said when one of her children was a newborn hospital staff tried to stop her from taking him home before being interviewed by a social worker.

"Blindness is not a barrier between us and our babies," she said.

Other members of the National Federation of the Blind Ohio also provided written proponent testimony.

HBPUBLIC RECORDS (Huffman, S., Cera, J.) To include judges as individuals whose residential and familial 341 information is exempt from disclosure under the Public Records Law, and whose addresses public offices, upon request, must redact from records available to the general public on the internet. (CONTINUED-AMENDED; 2nd Hearing-Proponent-Possible amendments)

Before hearing testimony an amendment offered by Chairman Sen. Kevin Bacon (R-Minerva Park) to clarify what information is shielded from the public and to add spouses was accepted.

OJC Executive Director Paul Pfeifer said the need for the legislation arose after the attempted assassination of a judge in Steubenville last year.

"Tragic incidents like these cause us to reflect on the effectiveness of the security and safety measures we have in place in our courtrooms and public buildings, and what additional steps can be made to ensure that events like this one do not happen again," he said.

The former Ohio Supreme Court justice noted that the personal information of several other public officials is already exempted from open record laws.

"It makes little sense that judges are not already included in the list of public service workers, like prosecutors and bailiffs, whose personal information is exempt from public disclosure," Mr. Pfeifer said.

Thomas Freeman, president of the Ohio Association of Magistrates, struck a similar note.

"By including magistrates and judges in this bill, the legislature would be providing protection to all judicial officers at the same level of other public service workers," he said in written proponent testimony.

HB COUNTERFEITING (Perales, R.) To create the offense of counterfeiting and to include counterfeiting within the definition of "corrupt activity" under the Corrupt Activities Law. (CONTINUED; 2nd Hearing-All testimony)

Dublin Police Chief Heinz von Eckartsberg, testifying on behalf of the Ohio Association of Chiefs of Police, said the legislation will make it easier to pursue counterfeiting charges.

"By passing this legislation, agencies across Ohio will benefit by being able to simplify local charges and pursue individuals or groups that engage in ongoing corrupt criminal enterprises more effectively," he said.

Kevin Dye of the Secret Service said counterfeiting is fueling the drug crisis in Ohio. He also said Ohio has become a hotbed of counterfeiting due to lax laws.

"Ohio is one of only ten states that lacks legislation addressing the crime of falsely making, forging, counterfeiting, or altering written instruments such as currency, coins, bonds or checks, and/or other securities of the United States," he said. "This new law will set a national standard for counterfeit violations at the state level while significantly helping agencies address the use of this counterfeit to purchase narcotics in our communities."

The panel also received written proponent testimony from representatives of the Ohio Prosecuting Attorneys Association, the Buckeye State Sheriff's Association and the Montgomery County Association of Police Chiefs.

- SB MARRIAGE AGE (Yuko, K.) To make changes to the laws governing the ages for which persons may marry. (CONTINUED-AMENDED (See separate story); 2nd Hearing-Proponent-Possible amendments)
- **SB** JURY SERVICE (<u>Thomas, C.</u>) To require the names submitted by the Bureau of Motor Vehicles to the **200** commissioners of jurors to be included on the annual jury source list compiled by the commissioners. (**CONTINUED**; 2nd Hearing-Proponent)

Niki Clum, legislative liaison of the Ohio Public Defender's Office, said she recently served jury duty and was part of a group of 30 who went through voir dire. In that case, an all-white jury was selected to decide the fate of a young black man.

Asked by <u>Sen. Cecil Thomas</u> (D-Cincinnati) about potential downsides of the bill, Ms. Clum said the jury manager was concerned about having to cull those under the age of 18 with a driver's license from jury pools.

"I would think that is something we could weed out so jury commissioners don't have to do that," she said.

Sen. Bill Coley (R-Liberty Twp.) also noted that non-citizens with driver's licenses would also have to be removed.

Thaddeus Hoffmeister said in written proponent testimony that the measure has several advantages, including a more equal distribution of jury service and a more diverse jury pool.

"While all segments of the community may not necessarily agree with a jury's ultimate decision, they have to believe that the process was fair," he wrote. "If not, our adversarial system may break down. One method of ensuring fairness is to rely on a cross-section of decision makers, which works to legitimize the verdict. A diverse jury does just this by including members from across the community not just those who register to vote."

Mr. Hoffmeister said any potential disadvantages are greatly outweighed by the advantages.

"At present, Ohio is one of two states, Wyoming the other, that requires drawing jury lists from one source," he wrote. "It is time for Ohio to catch up with the rest of the country."

SB PRIVATE IMAGES (Schiavoni, J.) To prohibit the nonconsensual dissemination of private sexual images, 251 to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and employment protections of a victim of the offense. (SCHEDULED BUT NOT HEARD; 1st Hearing-Sponsor)

Sen. Joe Schiavoni (D-Boardman) was not in attendance to provide sponsor testimony.

SB PUNITIVE DAMAGES (Eklund, J.) To expand the exemption from punitive or exemplary damages 280 limitations in tort law that is provided with respect to an act resulting in a felony conviction involving purposeful or knowing conduct so that it also applies when the act results in a felony conviction for a strict liability offense. (CONTINUED; 1st Hearing-Sponsor)

Sponsoring <u>Sen. John Eklund</u> (R-Chardon) said the measure is designed to apply existing exceptions to punitive and exemplary limitations to tort claims based on violations of per se felony offenses such as aggravated vehicular assault.

"The exceptions to the punitive damage limits do not apply in a tort case based on conduct that would be a per se felony offense," he said. "I believe this is an anomalous result. If Ohio deems certain conduct to be sufficiently blameworthy as to forego the need to prove a culpable state of mind to find someone guilty of a felony offense,

then it should be treated, for purposes of removing the punitive damages limitations in tort cases, on par with conduct condemned only when it is done purposefully and knowingly."

Governor's Appointments: The panel also recommended approval of the governor's appointments of Carolyn Peters to the Ohio Civil Rights Commission and James Fitsko to the Peace Officer Training Commission.

Subscribers Note: Full testimony is available on the committee's website under May 22.

Finance

HBSCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.) To define the necessary qualifications 318 and responsibilities of school resource officers, to require the Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation. (CONTINUED; 2nd Hearing-Proponent)

Frank Hall, a football coach and study hall moderator at Chardon High School, recounted the shooting at the school six years ago. He is credited with saving other students' lives by chasing the gunman from the school and has a foundation named in his honor.

"Six years ago we lost 3 young men who were murdered in their school, and these murders still continue in our country. Time and time again we offer our thoughts and prayers to the families of the victims, the schools, and communities affected by these tragedies, and these murders still continue in our country. It is time to act to prevent these horrific events. We must take action now, to protect our nation's most valuable resource - our children," he said in prepared testimony.

"I can't change the past, but we can, through this legislation, make sure it is more difficult for these types of events to happen. Putting a School Resource Officer who is a police officer with special training is the most important step in securing our buildings and protecting our children."

"Passage of House Bill 318 will allow schools to invest and adopt proactive measures, services, and added layers of safety to protect our children," Mr. Hall said.

<u>Sen. John Eklund</u> (R-Chardon) asked what resource officers do other than patrol schools. Mr. Hall said SROs do not discipline students but do interact with them in various ways as well as attend to school security.

Also responding to the lawmaker, he said the bill addresses mental health so it's important for SROs to understand children and identify potential problems.

Sen. Eklund, along with other members, thanked the witness for his service and bravery. "You're a model for the type of SRO you're describing," he said.

Sen. Vernon Sykes (D-Akron) asked Mr. Hall if he believed SROs should carry guns and he said they should.

The witness told <u>Sen. Bill Coley</u> (R-Liberty Twp.) that it's a good idea to specially train the officers for school shooting scenarios.

Sen. Peggy Lehner (R-Kettering) asked what percentage of SRO training is related to mental health. Mr. Hall, also a deputy sheriff, said overall training is about 30 hours and 40% of it is focused on mental health issues.

Sen. Sykes questioned whether there should be experience and rank requirements for SROs. Mr. Hall said effectiveness at the position has more to do with a person's makeup and passion for the work.

For instance, he said more experienced officers could be "short-timers" looking to retire and get off the streets who go and sit in a desk at a school and don't interact with students or school officials.

Tim Armelli, a teacher and coach at Chardon High School and president of the Coach Hall Foundation, also testified in support.

"It is because of that horrific event that the Coach Hall Foundation, of which I am a part, will continue to assist communities to find ways to protect our school children," he said. "House Bill 318, I believe, is a necessity in moving to this end and providing Ohio's children with the protection they deserve."

"It is my belief and the belief of all of us with the Coach Hall Foundation that School Resource Officers are a necessity in our schools. Our children have a right to an education, and our parents and community have a right to believe our children will return to their homes and families every day," he said. "We must do a better job of protecting our children. We have an expectation that our children are being educated by licensed teachers, that our schools are maintained by certified electricians, plumbers and other professionals. Our transportation drivers have specific training and license endorsements. We must also have equally high expectations and standards for the men and women we put in the position of School Resource Officer."

"Throughout Ohio there currently exists confusion and inconsistency in the term and training of School Resource Officers. Local school officials can use the term School Resource Officer as they see fit. They can determine what training, if any, a School Resource Officer needs," Mr. Armelli said. "We need to set a standard by which the people in our buildings, with the task of protecting our children's lives, are held to a high standard of moral, ethical, and legal responsibility. House Bill 318 defines the qualifications and duties of a School Resource Officer."

"As a supporter of House Bill 318, I believe we are setting a consistent standard and identifying very consistent training for School Resource officers in our schools. It is critical that the position of School Resource officer adhere to the highest level of education and training, he said, adding that the money included in the proposal will provide for additional layers of protection for schools.

Chardon Police Officer Mike Shaw submitted written proponent testimony.

HB UNCLAIMED FUNDS (Reineke, B.) To exempt certain open-loop prepaid cards, closed-loop prepaid 353 cards, and rewards cards from the Unclaimed Funds Law. (REPORTED (No testimony); 4th Hearing-All testimony-Possible vote)

SB LAW ENFORCEMENT BENEFITS (LaRose, F., Hottinger, J.) To revise the payments that surviving 296 family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (CONTINUED; 2nd Hearing-Proponent)

Two witnesses from the group Ohio's Law Enforcement Line of Duty Death Surviving Spouses and Children testified in support and four others from the same group submitted written testimony.

Angela McDowell, widow of Officer Terry McDowell of the Whitehall Police Department, said he was ambushed and killed while serving a traffic citation and his partner, Officer Eric Brill, was critically wounded, subsequently ending his law enforcement career.

"It is bad enough to be told by programs such as Victims of Violent Crime that you do not qualify for that benefit because that your officer wasn't a victim of a violent crime due to his profession," she said. "And then to be further victimized because your death puts you at the earliest retirement date thereby slashing your benefit to 50%, once again leaving your family to figure out how to make ends meet and afford your children all the dreams you would have fulfilled for them."

Ms. McDowell said the basic wording, amounts of the benefit and milestones within the Ohio Death Benefit "have virtually been unchanged since its inception in 1976."

"We have had seven Presidential changes in the United States, multiple healthcare bills introduced, minimum wage increases as well as cost of living increases but yet no changes to the Ohio Death Benefit since 1976," she said.

"Passing SB296 helps insure some financial stability especially when the children of the ones who gave the ultimate sacrifice are still in school. There is no fame or fortune in becoming a police officer but they all believe their families will be taken care of and afforded the simplest of benefits. That's what they believed. That's what they died thinking would be done. It is up to you to honor their dying wish with the passing of SB296."

Rebecca Muncy Brooks said her police officer husband was working on the west side of Columbus when he responded to a call for assistance and was subsequently killed in a crash on the way.

"In that instant I became a 31-year-old widow with two small children to raise alone. My daughter, Eryne had just turned 4 years old, and my son, Zachary was 1," she said.

"Little did he know when he went to work that afternoon, that his family's health insurance would be on the line, to the point where it would no longer be affordable. Little did he know that morning that his pension would eventually be cut in half at the absolute earliest date that he would have been eligible to retire, a full eight years before that of his classmates who have opted to be a part of the Deferred Retirement Option Program," she said.

"Little do any of these officers know that at a time when many of their children are still in high school and/or beginning college that their family's total income would be cut in half. At a time when these families need extra income to help offset these costs, their deceased officer's pension is being slashed by 50% and the surviving spouses are left to figure out how to put the pieces together and make ends meet."

Sen. Lehner asked about the lack of information the witness alluded to. Ms. Muncy Brooks said officers are told that families "will be taken care of" if they are killed in the line of duty.

Jay McDonald, president of the Fraternal Order of Police of Ohio, said passing the bill "will provide reassurance to our first responders that their family will be taken care of should the worst happen."

"It shows then that this state understands the dangers of the profession and have planned ahead to take care of our spouses and children. It helps with the worries that all first responders have about making sure our loved ones will not suffer financially should we be asked to make that ultimate sacrifice," he said.

"This bill will tell all firefighters and law enforcement officers that Ohio has their back and the FOP of Ohio believes it should be passed without delay."

Sen. Bill Beagle (R-Tipp City) asked if the bill was retroactive. Mr. McDonald said it will impact all survivors.

SB WATER IMPROVEMENTS (Gardner, R., O'Brien, S.) To allow equipment for the protection and 299 preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. (CONTINUED; 2nd Hearing-All testimony)

Several witnesses testified or submitted written statements in support of the bill as well as the House companion measure during Tuesday hearings. (See House Activity Report)

Agricultural groups spoke in support of the measure and touted their own efforts to adopt best practices and curb agricultural runoff.

"Let the record show that our state's own farmer-led and farmer-organized associations have been, still are and continue to be willing partners with this General Assembly in promoting sound public policy that moves our farming community forward in becoming better stewards of healthy soils and clean water," said Mark Drewes on behalf of the Ohio Corn and Wheat Growers Association.

"Any one or any group that suggests that my fellow farmers and I have been absent in being part of the solution to improve farming practices and therefore improve water quality within the borders of our state have not been paying attention," he continued.

Scott Metzger said on behalf of the Ohio Soybean Association that the group generally supports the measure's "targeted funding approach."

"SB299 is an investment, by the state, in Ohio's farmers," Mr. Metzger said. "While this bill is a step in the right direction, we still have questions and concerns around the details of the targeted phosphorus reduction. We, as an agriculture community, have reached out to the bill's sponsors for clarification and OSA's support is contingent on the response to these questions."

Auglaize County Commissioner Doug Spencer, co-chair of the County Commissioners Association of Ohio's Water Quality Task Force, said in written testimony that the bill's funding streams would help the state keep its promises in regard to addressing Lake Erie issues.

"With Ohio agreeing to reduce phosphorus loading into Lake Erie's Western Basin by 40% by 2025, Ohio must take steps to ensure this benchmark is met," he said. "SB299 is a positive step toward achieving the needed phosphorus reductions and creating a healthier Lake Erie."

Robert Brundrett, director of public policy services for the Ohio Manufacturers' Association, said in written testimony the measure "provides a thoughtful funding approach to address Lake Erie water quality issues" and a "prudent approach in providing resources that will improve the lake's water quality."

And the Ohio Dairy Producers' Association wrote that dairy farmers are "working tirelessly" to pursue best management practices. "ODPA strongly encourages the use of funds to include: manure storage, handling, transportation and application equipment," the group added.

Additional written proponent testimony was submitted by the Ohio Cattlemen's Association.

Governor's Appointments: The committee recommended full Senate approval of the governor's appointments of Cindy Crotty to the University of Akron Board of Trustees and Wallace Edwards to the Shawnee State University Board of Trustees.

Agriculture

HB APIARY DAMAGES (Stein, D.) To grant specified apiary owners immunity in personal injury or 392 property damage cases involving bee stings. (CONTINUED; 3rd Hearing-All testimony)

John Van Doorn of the Ohio Association for Justice said his group "opposes civil immunity legislation in general because it nullifies one of our Constitutional rights and creates a special set of rules for an exclusive set of people.

"We have to ask here: Does the situation described by the proponents rise to the level that justifies suspending one of our fundamental Constitutional rights? Further, will this legislation relieve the problem as presented?" he said.

"As the proponents testified, there is no liability crisis. They said they know of only a few lawsuits going back quite a number of years," he said. The last successful lawsuit of the sort the bill addresses occurred in 1925 when a farmer sued when the neighbor's bees stung his horse to death.

Sen. Rob McColley (R-Napoleon) asked if he believed the bill was a "solution in search of a problem?" The witness said that summed up his groups position fairly well.

Theresa Lieberman-Smith reiterated the support of the Ohio Beekeepers Association.

HB DOG BREEDERS (Hill, B.) To revise the law governing high volume dog breeders. (REPORTED-506 AMENDED; 3rd Hearing-All testimony-Possible amendments & vote)

Prior to the bill's report, the committee adopted several amendments, after which Tom Pappas, representing the Human Society of the United States, said that group had agreed to shelve its proposed ballot issue based on

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those changes and a memorandum of understanding between interested parties that remains in the works.

Chairman Sen. Bob Hackett (R-London) said the amendments, along with a couple corrective changes, would:

- --Revise flooring standards of care.
- --Address the housing of digs in groups.
- -- Change cage size calculations to reflect current rules.
- -- Modify veterinary care requirements.
- --Adds 15 minutes for the human interaction requirement.
- -- Include a time period of 30 minutes per day for exercising.
- --Limit the number of litters a dog can produce in a lifetime to eight.
- --Allow for the use of outdoor primary enclosures only with a veterinarian's approval
- --Require dogs to have a continuous supply of water.
- --Requires dogs to be fed twice daily unless otherwise directed by a vet.
- --Revise the definition of a "high volume breeder."
- --Revise the definition of a "breeding dog" as an unspayed female whose primary use is to produce offspring.
- --Set standards for signed documents required for pet stores and dog retailers.

Zaron Van Meter of Scottish Terrier Rescue Support, and Rabbi Areyah Kaltmann of Columbus testified in opposition to the bill.

Ms. Van Meter said she was disappointed that the bill didn't more extensively address problems with "puppy mills," including bacterial outbreaks that can occur under unsanitary conditions. She called the bill a step backward from prior legislation on the subject.

"When is Ohio going to take further measures to protect Ohio citizens and our children. Ohio is second in the U.S. for puppy mills next to Missouri that is ranked number one, and Ohio is also second in outbreaks," she said. "HB506 regresses back in true favor of the breeders."

Rabbi Kaltmann urged the committee to require the Department of agriculture to list bonafide "rescue dog" operations on its website, saying "brokers" had coopted the term and were deceiving puppy buyers.

"This consumer protection measure will give families the ability to check the AG web site when they come across an online ad for a homeless dog or puppy," he said. "We must protect well intentioned consumers from these fraudulent practices. This bill is a perfect opportunity to address this obvious oversight."

Governor's Appointments: The committee recommended full Senate approval of the governor's appointments of Kimpton Williams to the Thoroughbred Race Fund Advisory Council and Michael Frederick to the Commercial Dog Breeding Advisory Board.

Health, Human Services & Medicaid

HBMENTAL HEALTH COMMITMENTS (<u>Carfagna, R., Ryan, S.</u>) To authorize certain advanced practice 111 registered nurses to have a person involuntarily transported to a hospital for a mental health examination. (**REPORTED-AMENDED**; 7th Hearing-All testimony-Possible amendments & vote)

The measure was unanimously reported after the committee accepted a series of amendments offered by chairman <u>Sen. Dave Burke</u> (R-Marysville).

The first amendment would allow the State Medical Board to handle situations in which trainees from programs outside of Ohio come into the state for elective clinical rotations, Sen. Burke said.

The second would enable the Medical Board to hire a third-party agency for subpoena delivery in cases regarding respiratory care and dietetic licenses, the senator said.

Another amendment would create an exemption to an advanced pharmacology requirement for advanced practice registered nurses who are grandfathered in, he said.

The final amendment provides a description of residential addiction treatment services and makes corrections to a previous amendment regarding medication assisted treatment, the senator said.

HB PHYSICAL THERAPY (Gavarone, T., Reineke, B.) To modify the laws governing the practice of physical therapy. (CONTINUED; 1st Hearing-Sponsor)

Sponsors <u>Rep. Bill Reineke</u> (R-Tiffin) and <u>Rep. Theresa Gavarone</u> (R-Bowling Green) said the legislation would update the law regarding physical therapists to specify that they can make a physical therapy diagnosis.

"As Ohio continues to combat the devastating opioid epidemic, we must promote and encourage pain management modalities without the use of opioids," Rep. Reineke said. "House Bill 131 is a vehicle to do just that. Physical therapists are rigorously trained, educated at a doctorate level, and are ready to provide healing approaches, over long-term or high dosage use of addictive prescription painkillers."

Physical therapists would still be required to refer patients to another health care provider if the patient's condition falls outside the scope of practice for a physical therapist, Rep. Gavarone said.

"House Bill 131 will bring Ohio in line with at least 21 other states that specify that physical therapists diagnose. I think it is important to note that many other health care providers in Ohio have language included in their scope of practice allowing them to make a diagnosis," she said.

HB OUTDOOR DINING AREAS (<u>Lanese</u>, <u>L</u>.) To generally allow an owner, keeper, or harborer of a dog to 263 take the dog in an outdoor dining area of a retail food establishment or food service operation.

(CONTINUED; 2nd Hearing-Proponent)

Vicki Deisner, government affairs representative for the Animal Welfare Institute, said Ohio has pet-friendly hotels, parks and events, but pets are not allowed on outdoor restaurant patios.

When she lived in Alexandria, Va., she said restaurants and other venues would often emphasize that dogs would be allowed as part of marketing plans, including hosting events to encourage people to bring pets.

"It was obvious that including dogs on patios, and indeed marketing to their inclusion in Halloween events and providing a canine cruise increased the amount of paying customers for restaurants in the city of Alexandria," she said. "It would be great to see that marketing opportunity happen here in Ohio."

Ms. Deisner told <u>Sen. Dave Burke</u> (R-Marysville) that a provision added to a similar Senate proposal (<u>SB 182</u>) to allow public health authorities to revoke the ability to have dogs on patios in the event of a public health emergency is already included in this version.

<u>Sen. Peggy Lehner</u> (R-Kettering) asked about the consideration for people who are allergic to dogs. That's something restaurants and businesses would likely take into consideration when working with customers, Ms. Deisner said.

The committee also received written testimony from more than half a dozen people in support, including representatives of the Ohio Restaurant Association, the Humane Society of the United States, the Cleveland Animal Protective League and Seventh Son Brewing.

HBPALLIATIVE CARE (LaTourette, S.) To create the Palliative Care and Quality of Life Interdisciplinary 286Council, to establish the Palliative Care Consumer and Professional Information and Education Program, and to require health care facilities to identify patients and residents who could benefit from palliative care. (CONTINUED-SUBSTITUTE; 3rd Hearing-Possible amendments)

The committee accepted a <u>substitute bill</u> that Sen. Burke said makes changes to the definition of palliative care and changes how the measure affects hospice providers who provide non-hospice care.

Dr. Zach Rossfeld, who practices palliative care at Nationwide Children's Hospital, said palliative care is often misunderstood by patients and providers and unavailable to many Ohioans.

"As we continue to advance our science, we must also mind the supremely personal interaction that is medicine," he said in written testimony. "The health care system needs help remembering to do this."

HB ANATOMICAL GIFTS (Antani, N.) Regarding anatomical gifts, transplantation, and discrimination on 332 the basis of disability. (REPORTED; 4th Hearing-All testimony-Possible vote)

The committee voted unanimously to report the measure.

Jen Alge, representing the Autism Society of Greater Cincinnati, wrote in support of the measure. She said she has two children with disabilities: a son who is autistic and a daughter who has Down syndrome.

"If Jack or Evie, or any child with a diagnosis of autism or Down syndrome or any disability, needs an organ transplant they should be put on the waitlist like everyone else. Having your child evaluated and then diagnosed with a disability should not be counted against him or her for a life-saving measure," she said.

HB DISEASE CURES (Butler, J.) To adopt the Solemn Covenant of the States to award prizes for curing 345 diseases. (CONTINUED (See separate story); 1st Hearing-Sponsor)

SB OPIOID MEDICATIONS (Hackett, B., Hottinger, J.) Regarding addiction treatment and opioid 119 prescribing by physicians and dentists. (CONTINUED-SUBSTITUTE; 4th Hearing-All testimony-Possible amendments & vote)

The committee accepted a <u>substitute version</u> that maintains the good Samaritan language in the bill allowing a licensed individual to administer naltrexone, Sen. Burke said.

It also requires that a provider must provide patients of all forms of medication assisted treatment available before providing any, and that a pharmacist can administer or dispense a short-term supply of naltrexone if a patient has been receiving the treatment but is unable to obtain a new prescription in some circumstances, he said.

Antonio Ciaccia, director of government and public affairs for the Ohio Pharmacists Association, said the problem considered in the legislation is similar to a previously passed piece of legislation (HB188, 131st General Assembly) designed to address issues where patients are left without needed medication when the doctor cannot be reached.

Changes to this measure, he said, would expand that similar solution - allowing pharmacists to dispense a short-term supply to a patient who can demonstrate they are on the medication - to medication-assisted therapy, specifically naltrexone.

"This legislation will now ensure that no patient is left stranded, and no matter what, when in a pinch, patients undergoing naltrexone therapy will have access to every pharmacy in the state of Ohio to act as a trampoline back into the system when that system breaks down," he said.

Sen. Burke asked if there is another state that allows pharmacists to dispense naltrexone in this way.

Mr. Ciaccia said Ohio would be the first to allow pharmacists to do this in this way, but other states allow pharmacists to provide naltrexone to patients in different ways, sometimes in an agreement with a doctor.

SB OUTDOOR DINING (<u>Coley, B.</u>) To generally allow an owner, keeper, or harborer of a dog to take the dog **182**in an outdoor dining area of a retail food establishment or food service operation. (**REPORTED** (**No testimony**); 5tyh Hearing-All testimony-Possible vote)

SB CONTROLLED SUBSTANCES (Eklund, J.) To modify laws pertaining to the State Board of Pharmacy and the regulation of controlled substances. (REPORTED; 4th Hearing-All testimony-Possible vote)

The committee unanimously reported the proposal.

Julie DiRossi-King, director of policy and public affairs for the Ohio Association of Community Health Centers, testified in favor of the measure and an amendment to exempt Federally Qualified Health Centers and lookalikes from additional licensure requirements.

The centers are typically already licensed by the State Board of Pharmacy as terminal distributors of drugs because they often possess those drugs onsite and are certified by the federal government to provide comprehensive health services.

"Many Ohio Health Centers have years of experience working in communities that have been struggling with opioid addiction long before the unfortunate surge," she said. "To maximize their ability to provide high-quality, comprehensive primary and behavioral health care to some of Ohio's most vulnerable patients, health centers should be permitted to use every evidence -based method available to treat their patients, without facing barriers."

SB HOST FAMILY AGREEMENTS (Coley, B.) Regarding regulation of host family agreements. **291** (CONTINUED; 1st Hearing-Sponsor)

Sponsor <u>Sen. Bill Coley</u> (R-Liberty Twp.) said the measure is inspired by a charitable organization known as Safe Families for Children that allows a parent in a crisis situation to temporarily request that their children be hosted by a screened and vetted host family for a specific period of time.

The measure defines a qualified organization, creates standards for background checks and permits placements in situations in the event of a parent's incarceration, incapacitation, medical, psychiatric or psychological treatment, military service and more.

"These measures will provide the parents utilizing these programs with peace of mind while they take responsible steps to support their children," he said.

The goal is to codify a program that's already in existence to make sure parents who use such programs did not abandon their children, he said.

Sen. Jay Hottinger (R-Newark) said there is a similar program in Montgomery County.

"I think it really is a model for what we should be doing across the state and I think it is a solution that can help many families," he said.

SBSTEP THERAPY (Lehner, P., Tavares, C.) To adopt requirements related to step therapy protocols

56 implemented by health plan issuers and the Department of Medicaid. (CONTINUED-SUBSTITUTE; 4th Hearing-All testimony-Possible amendments & vote)

The committee accepted a <u>substitute bill</u> that ensures the definitions and deadlines match previous legislation on prior authorization, <u>Sen. Peggy Lehner</u> (R-Kettering) said. The changes also close loopholes in the exemption process and eliminate a redundant exemption.

Sen. Lehner said the sub bill, the 12th version of the proposal, shows how much work has gone into it.

"I think it reflects the intensity and the patience that so many people have had to work on this bill, and it is as acceptable as possible to as many people," she said.

Charlene York, the Ohio volunteer state ambassador for the National Organization for Rare Disorders, said step therapy can hinder care for patients who are stable on certain medical treatments if they are forced to change to a lower-cost therapy that is less effective.

"While this is done by insurers as an attempt to control health care costs, it has been increasingly applied to patients with little regard to their medical situation or treatment history," she said. "As a result, in many cases, these requirements can delay appropriate treatment and ultimately increase costs, not lower them."

The committee also received written proponent testimony from organizations representing people with a variety of illnesses, including the American Lung Association in Ohio, the American Diabetes Association, the Chronic Disease Coalition and the National Patient Advocate Foundation.

Governor's Appointments: The committee recommended full Senate confirmation of the governor's appointments of Theodore Bauer to the State Dental Board; Margaret Knerr and Erin Michel to the Social Worker, and Marriage and Family Therapist Board; Betty Montgomery to the State Medical Board; John Seguin to the Maternity and Newborn Advisory Council; Alexander Bishara and Wendy Haynes-Britton to the Chemical Dependency Professionals Board; Kimberly Mermis and Thomas Nye to the State Board of Optometry and Bruce Saferin to the State Medical Board.

Sen. Burke removed a request for Lisa Haberbusch from the list due to technical issue. He said the appointment will be considered at the next meeting.

Subscribers Note: Full testimony is available on the committee's website under May 22.

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'Stand Your Ground' Bill Reported By House Panel

Another controversial gun measure cleared a House committee Tuesday in a party-line vote.

The so-called "stand-your-ground" bill (<u>HB 228</u>) was reported from the House Federalism & Interstate Relations Committee after its seventh hearing.

While supported extensively by gun rights groups, it again drew a throng of anti-gun violence advocates from Moms Demand Action for Gun Sense in America, including Francie King.

She told the panel that the vote on the legislation comes just four days after a school shooting in Texas that left 10 people dead.

"We should be confronting this problem of gun violence in America and not accommodating it by loosening our gun laws," Ms. King said. "Moms Demand Action was here last week to advocate for several bills that would do just that. I hope this committee finally sees that HB228 will do nothing to promote public safety, or to help prevent the gun violence that is ravaging our communities, schools, churches, and homes, killing 96 people each and every day."

In addition to the portion of the bill that ends the duty to retreat, Ms. King also said the bill will effectively allow for the carrying of firearms without a license.

"Permitless carry has shown to have a detrimental effect on public safety in Missouri and Arizona. After Missouri enacted permitless carry in January 2017, the city of St. Louis has experienced a 23% increase in aggravated assaults with a gun in 2017 over the total in 2016. This represents an additional 484 gun-related assaults in St. Louis City alone in 2017 than in 2016," she said.

Lisa Voigt, a professor at Ohio State University, said in written opponent testimony that she fears the measure will put her, her family, students and all Ohioans in danger.

"In the wake of another tragic school shooting last week in Texas, I hope your committee will take the time to study the research and, like me, come to the conclusion that HB228 would in no way contribute to the decrease in gun violence and gun deaths that we all seek," she said. "On the contrary, it would increase them, as we can see clearly from what has happened in other states with similar legislation.

No proponents testified Tuesday.

Prior to the committee hearing, the ACLU of Ohio blasted the bill in a statement, saying it will disproportionately impact people of color.

"Across the country, people of color are more likely to be stopped, searched, ticketed, arrested, convicted, imprisoned, imprisoned for longer sentences, sentenced to death and actually executed than their white counterparts," said Gary Daniels, chief lobbyist. "Additionally, when looking at national crime data, we know of the gigantic racial disparities when it comes to justifiable homicides."

After the hearing, committee Chairwoman Rep. Kristina Roegner (R-Hudson) defended the bill.

"There were many people in this room today that felt the bill didn't go far enough," she told reporters.

One of those people was Rep. Paul Zeltwanger (R-Mason), who attempted to introduce an amendment he said would strengthen the concept of innocent until proven guilty.

However, the amendment was not allowed because it was fairly new and a motion had already been made to report the bill, Rep. Roegner said.

"I've been trying to be very thoughtful with this bill in terms of timing," she said.

House Appears Poised To Elect Speaker After Several False Starts

Expect the unexpected Wednesday when the House is slated to finally elect a new speaker.

For the third time in the past week the House appears ready to elect a new speaker; the prior two scheduled votes were canceled when Republicans failed to reach a consensus over the successor to former Speaker Cliff Rosenberger or, in Tuesday's case, were unable to ensure all members were present for a vote.

The House is now expected to vote on the position during a 1:30 p.m. Wednesday session in a vote that promises to be historic one way or the other. At the very least, the vote will depart from recent history in which the chamber typically unanimously elects a leader in a symbolic showing of bipartisanship after they are chosen in closed caucus meetings. (See <u>Gongwer Ohio Report, May 15, 2018</u>)

A GOP caucus spokesman said no legislation is expected to be brought to the floor Wednesday and that the session instead will focus solely on the election. Another full session is slated for Thursday.

Rep. Ryan Smith (R-Bidwell) remains the front runner but his opponents and Democrats question whether he has locked up the 50 votes needed to secure the spot on the first round of voting. Others conjecture he may rely on an obscure law that states the candidate with the majority of votes after the 10th round wins. (See <u>Gongwer Ohio Report, May 21, 2018</u>)

The candidate has declined to discuss his vote count.

"I just want to go vote and we'll find out where it is," Rep. Smith said in an interview. "I'm tired of talking about numbers. I want to go vote."

Rep. Andy Thompson (R-Marietta), who is also running for the post, earned 18 votes in the GOP's closed door caucus last week. He said he still believes the majority of them remain faithful and that Rep. Smith is shy of the 50 votes needed. He acknowledged, though, that he is aware of at least one of his supporters who may have switched to supporting Rep. Smith.

House Democrats plan to put forward <u>Minority Leader Fred Strahorn</u> (D-Dayton) as their candidate. But Rep. Strahorn too said he's not entirely sure what to expect when the vote takes place.

"I'm unclear whether it's for certain what the vote is for Ryan or whether he's just going to go and see what happens," Rep. Strahorn said. "Our members were a little concerned about everything that's going around and being on the record voting for a Republican speaker so they're nominating me so we can vote for our own. That's the way it used to happen in the '60s or so. Just until the dust clears on this we thought we'd convert to that."

Nevertheless, some Democrats haven't ruled out voting for Rep. Smith.

Meanwhile, stakeholders are growing increasingly impatient as the House's floor calendar remains at a standstill.

Leading business groups - including the Ohio Chamber of Commerce, NFIB-Ohio, the Ohio Business Roundtable and others - wrote to Speaker Pro Tem Kirk Schuring (R-Canton) and other members of the House urging a quick resolution.

"We are writing to express our collective concern over the current absence of a speaker of the Ohio House," reads the letter also signed by the Ohio Farm Bureau, the Council of Retail Merchants and the Ohio Manufacturers' Association.

"We implore members of the House Republican caucus to set aside differences and preferences and focus on the needs of our great state," the groups continued. "Specifically, we urge the prompt selection and subsequent election of a capable and principled leader to guide the House through the remainder of the 132nd General Assembly."

Democrats too are criticizing lawmakers for the legislative shutdown. Ohio Democratic Party Chairman David Pepper said the Republicans are stalling legislation (SB 135) to fund voting machine upgrades due to the impasse.

"Secure voting systems are a crucial part of our state infrastructure, and funding for them should have been passed months ago in the state capital budget, not be stuck in limbo because Republicans are fighting amid the fallout from their culture of corruption in Columbus," Mr. Pepper said.

Human Trafficking Bill Clears House Committee While Panel Debates Another

The House Criminal Justice Committee took up a two pieces of human trafficking legislation Tuesday, including a measure to close a gap in the state's protections for minors.

That bill (HB 461) is designed to strengthen the state's Safe Harbor law by stiffening the penalties for those who traffic 16- and 17-year-olds. It received its second hearing before the committee.

The panel also reported legislation (SB 431) that expands the list of eligible offenses that could be expunged for human trafficking victims.

Regarding the former bill, Columbus Police Detective Aaron Dennis said current law requires force, fraud or coercion to be proven in such cases.

"Targeting 16- and 17-year-old victims, over time has proven to be an effective strategy for pimps and traffickers," he said. "This age group has the same vulnerabilities, but not the same legal protections as their younger counterparts. Since these cases are more difficult to prosecute, there is less risk of arrest and prosecution to the pimps and traffickers."

Dr. Jeff Barrows, founder of Gracehaven, said Ohio is one of just three states that define sex trafficking of a minor differently than the federal government.

"The fact that Ohio law regarding sex trafficking of a minor is different than every other state's law as well as the federal government's statute does not necessarily mean that the Ohio statute is wrong," he said. "However, it does require a close examination regarding the validity of the reasoning behind this unusual statute as well as its potential consequences."

Rep. Bill Seitz (R-Cincinnati) raised concern that if the law were to be changed a 19-year-old that takes a 17-year-old on a date that includes dinner and a movie could be considered to be engaged in trafficking of a minor because something of value changes hands.

"This is the very reason why Ohio law reads the way it does right now," he said.

Mr. Barrows said that is not the case in 99% of human trafficking cases.

"One single date does not make a sex trafficking victim," he said.

Rep. Seitz said that the definition in the measure needs to be tightened up so as to ensure that people are not "ensnared in an overly broad definition."

Emily Dunlap of Advocating Opportunity said the current law forces prosecutors to put a victimized child on the witness stand and in some cases they are re-traumatized.

"Instead of continuing this troubling practice, it is time to bring Ohio law in line with the federal standard," she said.

The panel also received proponent testimony from representatives of Ohio State University; the Catholic Conference of Ohio; the Daughter Project; the Central Ohio Rescue & Restore Coalition; the Summit County Juvenile Court; Shared Hope International; ACTION OHIO Coalition for Battered Women; the League of Women Voters; Mount Carmel Health System; and the Ohio Alliance to End Sexual Violence.

In other business, the panel reported SB4, despite concerns from the Ohio Prosecuting Attorneys Association. Knox County Prosecutor Chip McConville said the group is concerned about a provision that allows for the destruction of records for certain felony convictions.

He also took issue with language that would enable victims of human trafficking to seek to expunge records at any time, even in cases that were dismissed or an individual was found not guilty.

"Sometimes cases are dismissed without prejudice and are prosecuted at a later date," he said. "Senate Bill 4 would allow a victim of human trafficking to seek to have the records in the case destroyed even though charges may be refiled."

But Courtney Schmackers, development director at She Has A Name, said the 2012 Safe Harbor Act has provided some victims with a chance to have their entire records expunged, but only in some jurisdictions.

"Thankfully, the state of Ohio is at the forefront of appropriately and proactively responding to the issue of human trafficking," she said.

Representatives of the Ohio Justice Policy Center and the Central Ohio Rescue and Restore Coalition also weighed in with proponent testimony.

Lawmakers Question Amended Child Marriage Ban

A bill to ban child marriage garnered support from individuals and groups Tuesday, but several lawmakers raised questions about its efficacy.

Before hearing testimony on the measure (SB 198), an amendment offered by Sen. Sean O'Brien (D-Bazetta) on behalf of sponsoring Sen. Kenny Yuko (D-Richmond Hts.) was accepted to clarify that the legislation bans all marriages among those under the age of 18.

Erin Ryan, managing director of the Ohio Women's Public Policy Network, said from 2000-2015, nearly 4,400 girls aged 17 or younger were married in the state. Most, she said, were marrying adult men.

"Evidence suggests that the age differences in most of these marriages between teen girls and adult men can lead to unequal power and control dynamics, creating an environment rife with domestic violence and abuse, which often continues throughout the marriage," she said.

"Women who marry as minors are significantly more likely to have mental and physical health issues as a result of the abuse they suffer, and girls marrying under 18 are three times more likely to experience domestic violence."

Ms. Ryan said child marriages also lead to limited educational and employment opportunities.

"With reduced or limited labor force participation as a result of lower educational attainment, these are longterm consequences on communities that significantly reduce economic growth," she said. "Additionally, marriage as a minor is linked to early childbearing, more children, and shorter spacing between births, all of which limit or prevent participation in the workforce."

Sen. Bill Coley (R-Liberty Twp.) asked about an exception for a 17-year-old enlisted in the military.

Ms. Ryan said the age needs to be set at 18 with no exceptions to avoid girls falling through the cracks, leading Sen. Coley to question her focus on girls.

Girls are disproportionately impacted by child marriage, Ms. Ryan responded.

<u>Sen. John Eklund</u> (R-Chardon) said he is "troubled" by the idea that banning child marriage will fix all the problems mentioned by Ms. Ryan, saying the measure does not get at the underlying problem.

Ms. Ryan reiterated her statistics about educational and employment attainment for those married as a child and noted that those in child marriages are not able to seek a divorce or protection order before the age of 18.

<u>Sen. Peggy Lehner</u> (R-Kettering) said she believes there is a big difference between two 17-year-old individuals marrying and 17-year-old and a 30-year-old marrying. She suggested lawmakers seek to address the latter.

But Ms. Ryan again noted that those in child marriages are much less likely to graduate from high school than their unmarried peers.

Shelby Quast, Americas director of Equality Now, said in written proponent testimony that the current law is in violation of the International Covenant on Civil and Political Rights.

"Records from Ohio show that, because of the ages and age differences of the parties and because a pregnancy was involved, dozens of children who were statutory rape victims were married to their rapists," she said. "For instance, in 2002, a judge in Gallia County allowed a 14-year-old pregnant girl to marry a 48-year-old man."

Naila Amin said in written proponent testimony that she was a victim of a forced child marriage at the age of 15 to a first cousin that was 13 years older than her.

"I lost my youth and my mental health is just not the same," she said. "The happy go lucky little girl is gone. I can go months now without laughing. He robbed me of my childhood. My body and soul were taken from me by force. Luckily I did not have any children with this man. That could have caused health problems or even death."

The panel also received written proponent testimony from the AHA Foundation and Unchained At Last.

Mandatory Bindover Bill Advances Despite Prosecutors' Concerns

A measure to end mandatory bindovers in most cases cleared committee Tuesday despite a warning that it will endanger public safety.

The legislation (HB 394), which was reported by the House Criminal Justice Committee after its fourth hearing, would allow for mandatory bindovers of juveniles to adult court only in cases of aggravated murder.

Clark County Prosecutor Andrew Wilson, testifying on behalf of the Ohio Prosecuting Attorneys Association, said the mandatory bindover that was established in 1996 played a role in reducing crimes among juveniles.

"While other factors undoubtedly led to this decline in juvenile crime, the deterrent effect of the mandatory bindover statute certainly played a part," he said. "Public safety improved."

Mr. Wilson also took issue with the proposed elimination of the serious youth offender designation except in the case of a reverse bindover.

"The enactment of the SYO statute in 2001 was a follow-up effort to the enactment of the mandatory bindover statute a few years earlier," he said. "Mandatory SYOs, a method of blending juvenile and adult sentences, encourages rehabilitation for certain juveniles who are not boundover, but who are nevertheless sent to DYS for a very serious offense."

Elizabeth Wells, legal director at the Ohio Crime Victim Justice Center, said the measure will allow juvenile offenders to re-offend.

"Ohio's mandatory bindover laws are only applicable to the most serious offenders," she said. "These are not kids who steal from Walmart or get into a fight at school. These are offenders who are committing serious felony crimes such as murder, sex crimes, and other crimes of violence. These offenders' actions are causing grievous harm to Ohio citizens. In some cases, the harm is irreparable."

Erin Davies of the Juvenile Justice Coalition, however, said that juveniles forced into the adult court system are more likely to re-offend. She also called for the mandatory bindovers for aggravated murder to be eliminated.

"We believe this provision should be eliminated because it does not allow judges to consider any additional circumstances of the offense," she said. "In addition, any mandatory bindover is based on what a youth is charged with, not what they are ultimately convicted of, which in the case of aggravated murder will often be a lesser offense."

Mary Wachtel, director of public policy of the Public Children Services Association of Ohio, in interested party testimony raised concern about a provision that would allow guardians ad litem to file to place a child in a planned living arrangement.

"We are concerned for two reasons," she said. "First, this is a significant policy change that we believe deserves a thorough examination on its own, rather than as an add-on to this juvenile law reform bill. Secondly, we believe this provision will lead to more youth being placed in PPLA and then emancipating from foster care without permanency and at risk for poor outcomes."

The panel also received interested party testimony from Theresa Cody-Hannah and Lynette Grace.

Tax Credit Testimony Shines Light On Challenges Faced By Volunteer Firefighter Groups

Lawmakers reviewing a proposed tax break on Tuesday got a primer on the changing landscape of local fire departments, which includes a dwindling pool of volunteers who are willing to go through extensive training and give up their personal time.

Proponents of a measure to grant income tax credits for volunteer firefighters or emergency medical service technicians (HB 575) told members of the House Ways & Means Committee that the financial incentive is a good start toward attracting more help for the financially strapped local groups.

"Ohio, just like the rest of the nation, is facing a volunteer crisis. My hope is that this bill, in a small way, will give people an incentive to volunteer in their community," said Nick Magoteaux, the founder and co-executive director of the Ohio nonprofit Brothers Helping Brothers. "Now I want to make this clear, is not the cure all for the issues facing volunteer firefighters in our state. However, I see this as a good starting point to making our communities stronger."

Mr. Magoteaux said he proposed the concept of the bill to sponsor <u>Rep. Candice Keller</u> (R-Middletown) after meeting with volunteer groups around the state as part of his involvement with his nonprofit.

"Ohio is facing a potential firefighter shortage. Many departments rely on volunteer and part-time help to make ends meet, but this pool of people is getting smaller," he said. "Without intervention, our fire departments could https://mail-attachment.googleusercontent.com/attachment/u/0/?ui=2&ik=633a3672ae&view=att&th=1638a57863a5f76c&attid=0.3&disp=inline&safe=1&zw&saddt

be in deep trouble."

Representatives of the Ohio State Firefighters Association, Ohio Fire Chiefs' Association, Ohio Township Association and local fire districts made similar arguments while urging support for the bill.

Many of the witnesses were asked questions regarding how volunteer departments operate, and all spoke to a downturn in interest among young people for joining a local service.

"The passion and dedication of our firefighters that serve our community is evident by the fact that our department's average years of service is 21, with members ranging from three years to 63 years of service," said Jason Conklin, a firefighter for the Lindsey Volunteer Fire Department for the past 24 years deputy chief for the past seven years.

"However, we have seen a disproportionate number of new firefighters joining the department compared to the number of firefighters retiring. Within the past two years, four firefighters, with an average 35 years of service, retired while only two new firefighters joined."

Asked by <u>Rep. Doug Green</u> (R-Mt. Orab) about the possibility of the Sandusky County volunteer group becoming a full-time outfit covered by levy funds, Mr. Conklin said that wouldn't be possible because of the nature of the tax base in the area covered by the district. A vast majority is agricultural land, he said.

Nevertheless, the department has seen an increase in calls in recent years that has put additional financial strains on the volunteers, he said.

"Although we receive tremendous support from our community, our meager budget does not allow us to compensate our firefighters for their time and/or costs associated with being on our department," Mr. Conklin said.

"The passage of HB575 would make an immediate, positive impact on the Lindsey Volunteer Fire Department, and our community, by allowing us to offer some monetary incentives to recruit new firefighters, while giving our existing firefighters a tax credit that could be used to compensate them for some of their out of pocket expenses and/or lost wages from time away from work."

Christopher Peterson, captain on the Lordstown Village Fire Department, said some volunteers use personal funds and time to pay for training, putting fuel in apparatus, and purchasing tools and equipment.

"I believe this will greatly help with firefighter recruitment/retention," he said. "Approving this tax credit will also give support back to a firefighter that serves their community."

Colin Altman, chief of Miami Township Fire-Rescue in Greene County and testifying on behalf of OFCA, said, "Ohio's volunteer fire service faces a very real crisis."

"As I have traveled across the state for the OFCA Volunteer Committee, I have heard the same story time and time again. Chiefs talk of the struggle to recruit and retain volunteer firefighters and EMTs," he said. "Increased training standards, expanded duties, an increasing volume of emergency calls and a more transient workforce make the fire service less attractive to volunteers, who traditionally have played a crucial role in community fire departments and annually save municipalities & townships across the state millions in personnel costs."

Rep. John Rogers (D-Mentor-on-the-Lake) noted the Legislative Service Commission's Fiscal Note Estimate that the bill could eventually result in \$107 million a year in revenue losses to state and local governments and asked whether that money would be better spent on needed equipment upgrades for local departments.

"If you don't have a fire truck, you can't get to the fire," Rep. Rogers said, while adding that he was sympathetic to the push for the bill and would likely support it.

Chief Altman acknowledged there are always financial needs, but that bolstering volunteerism is a top priority. In his department there used to be 40 volunteers, he said, and now there are 18.

"Anything we can do" to bolster volunteers would be helpful, he said.

The witness told <u>Rep. Teresa Fedor</u> (D-Toledo) that the retention rate for volunteers is only about 50%. Enthusiasm tends to wane when they realize the first firefighter class lasts three months, an advanced course four months, and then service can mean responding to emergencies at all hours, he said.

"They start realizing it's not as fun as they thought," Chief Altman said, adding his department responds to about 1,200 calls a year with mostly volunteers.

Rep. Jack Cera (D-Bellaire) asked the chief and OTA's Heidi Fought about other approaches to improving rural firefighting districts, with both acknowledging that the desire for local control can be an impediment to creating larger districts and encouraging collaborations.

This despite a recent study by a class he teaches that found the districts in Greene County could save \$2 million a year with a countywide setup, Chief Altman said.

Rep. Cera agreed there are some local concerns at play in that regard. ""I'm not trying to mandate fire districts, but maybe we could incentivize somehow the creation of fire districts," he said.

Mr. Altman said there are federal incentives available for local groups that collaborate. He also told panelists that various grants are available to pay for firefighter training.

Responding to a question of tax fairness from Rep. Derek Merrin (R-Monclova), the chief said that emergencies "know no boundaries" and that travelers through other jurisdictions can be the beneficiaries of a volunteer's response.

Ms. Fought said volunteers account for 71% of the firefighters in the U.S.

"Townships and the people they serve depend highly on volunteers to provide safety services for their residents. Volunteer first responders save communities and states billions of dollars annually across the U.S. when compared to the cost of full-time paid professional forces," she said.

"Unfortunately, increased costs of training and equipment discourage many individuals from volunteer service.

The OTA believes that some form of tax relief would be an excellent incentive for volunteers in safety services."

Subscribers Note: Full testimony is available on the committee's website under May 22.

Democrats, Advocates Continue Pressing For Wind Setback Revision

House <u>Minority Leader Fred Strahorn</u> on Tuesday told the House Public Utilities Committee that the state should revise wind turbine setback requirements.

At the same time, advocates with Conservatives for a Clean Energy Future delivered thousands of signatures to 10 Republican House lawmakers urging them to act on the issue.

The legislation from Rep. Strahorn (D-Dayton) is the latest from Democratic lawmakers in both chambers who are urging revisions to setbacks adopted in 2014 they say crippled wind farm development. The legislation (HB 604) received a first hearing before the committee but similar Democratic proposed fixes have failed to move in both chambers.

Republican efforts are still alive in the Senate - including a standalone bill (SB 238) from Sen. Matt Dolan (R-Chagrin Falls). And last week a controversial bill to loosen the renewable energy standards was amended by the

Senate Energy & Natural Resources Committee to include a wind setback reduction. (See <u>Gongwer Ohio</u> <u>Report, May 16, 2018</u>)

Rep. Strahorn's proposal is in line with the Dolan bill and would revert law to the pre-2014 setbacks, which measured the setback from the exterior of the nearest habitable residential structure rather than current law that measures the distance from the nearest property line. It would also make the Qualified Energy Project Tax Exemption Program and Payments in Lieu of Taxes - or PILOTs - permanent.

"HB604 simply re-establishes the habitable structure setback, removes government barriers to business growth and development, and allows Ohio's communities to have control over their own economic future," Rep. Strahorn said.

Rep. Bill Seitz (R-Cincinnati), however, balked at that and questioned Rep. Strahorn's information on how other states handle the issue. The proposal, he argued, would put homeowners within range to be hit by ice and blades in the case of a failure and he questioned the sponsor's claim that Ohio's is among the most restrictive setbacks in the nation.

"What I've been trying to get from the wind corporate greed seekers is real data on what the setbacks are (elsewhere)," Rep. Seitz said. "Because I've been collecting them for 10 years."

He also shared a graphic hypothetical situation in which a young girl is hit in the head with a piece of metal thrown by a turbine while playing in the yard. How, he asked the sponsor, do you justify that risk?

Rep. Strahorn likened it to airline accidents that pose risks but generally don't deter travelers.

"We can try to be more safe," the sponsor replied. "But I don't know that the level of care that's gone to create this difference in setbacks really protects that many people. What I do know is it harms the industry.

Committee Chairman Rep. Robert Cupp (R-Lima) was among the 10 lawmakers receiving signatures in support of a change by Conservatives for a Clean Energy Future. The group announced its 4,076 signatures during a Statehouse news conference.

"If the setback is not fixed Ohio stands to lose out on \$4.2 billion in economic development and 13,000 new jobs," said Mark Pischea, the group's president. "It is imperative setbacks are fixed to provide market certainty for companies looking to invest and retain jobs in Ohio."

Mr. Pischea said the group supports the revised HB114's setback provision but has no stance on the remainder of that legislation. When it comes to HB114 or Sen. Dolan's standalone bill on setbacks, Mr. Pischea said, the group isn't picky.

"The Senate's done their job," Mr. Pischea said. "Now it's time for House members to embrace the language that's been put forward."

Among those receiving signatures from the group was House Speaker Pro Tem Rep. Kirk Schuring (R-N. Canton) and Rep. Ryan Smith (R-Bidwell), who is seeking to be elected speaker in a vote expected to occur during the chamber's Wednesday session.

Others include Rep. Sarah LaTourette (R-Chagrin Falls), Rep. Scott Ryan (R-Newark), Rep. Dave Greenspan (R-Westlake), Rep. Theresa Gavarone (R-Bowling Green), Rep. Nathan Manning (R-N. Ridgeville), Rep. Rick Carfagna (R-Westerville), and Rep. Riordan McClain (R-Upper Sandusky).

Some property owners, however, remained concerned with the proposed changes, including the Interstate Informed Citizens Coalition, which attended both Mr. Pischea's press conference and the hearing for Rep. Strahorn's bill. They, like Rep. Seitz, cited a May 4, 2018, accident in Ontario in which a turbine blade broke and traveled up to 1,800 feet from the turbine.

Medical Marijuana Closed-Loop Payment System Bill Fails In House Committee Vote

In a rare defeat, a House panel on Tuesday rejected a proposal requiring the state to create a closed-loop payment system for medical marijuana businesses.

The House Government Accountability & Oversight Committee voted 7-5 against reporting the measure (<u>HB</u> 495) after adopting an amendment that sponsor <u>Rep. Bill Seitz</u> said helped clarify the overall intent of the legislation.

The Cincinnati Republican's proposal would require the state to create the self-contained banking system for medical marijuana, which the law creating the program (HB523, 131st General Assembly) simply made optional for state agencies.

The amendment would have directed the state to formally ask that Congress exempt medical marijuana enterprises with a closed loop system from federal banking laws. It would also provide that if Congress legalizes medical marijuana or the banking of it, Ohio would dismantle its closed-loop payments system in favor of normal banking.

"We're making it clear that what the game plan is is to use this bill to go to Congress and allow those licensed medical marijuana enterprises to bank their money so it's not a cash system," Rep. Seitz said.

After the sponsor moved to report the legislation, the no votes carried the day, with Republicans Rep. Tim Ginter (R-Salem), Rep. Scott Lipps (R-Franklin), Rep. Riordan McClain (R-Upper Sandusky) and Rep. Dorothy Pelanda (R-Marysville) joining the three Democrats present in opposition.

Committee chairman Rep. Louis Blessing (R-Cincinnati) said after the meeting that Rep. Seitz had asked for a vote.

In past hearings, the committee heard from medical marijuana businesses who said the proposal was not needed and could create unnecessary burdens for businesses and patients. (See <u>Gongwer Ohio Report, March 13, 2018</u>)

The measure also might not be necessary if state-chartered banks and other institutions are able to provide banking services, industry leaders said.

Rep. Blessing said committee members voiced some of the same concerns.

"A lot of the opponents that you saw in previous hearings had those concerns - that you don't see the big warehouses full of cash out west so is this a solution in search of a problem?" he said in an interview.

Advocates Of A-F Report Card System Push Back

Two groups urged legislators at a House committee Tuesday to continue to use letter grades to measure the performance of school districts amid a push to reform the entire system.

The feedback at the House's Education & Career Readiness Committee came in response to a proposal (<u>HB 591</u>) by <u>Rep. Mike Duffey</u> (R-Worthington) to overhaul the state's report card system by replacing letter grades with a dashboard of data.

The measure has received backing from statewide groups representing school boards, superintendents and treasurers, who have expressed concerns that the existing report cards can be misleading and difficult to interpret. (See <u>Gongwer Ohio Report, April 13, 2018</u>)

But not every group in the field approves of the legislation.

Chad Aldis, vice president for Ohio policy and advocacy at the Thomas B. Fordham Institute, said although his organization supports reforming the report card system, it does not advocate the measure at hand because it

"throws out the baby with the bathwater."

"It replaces the present system with data dashboards displaying an array of statistical information but (offers) no ratings that can help provide a clearer understanding of the data," he said.

He said the Fordham Institute backs a number of changes to the report card, such as reducing the number of components for which districts receive letter grades.

Kim Preston, Midwest regional legislative director for Excellence in Education in Action, said her group's "biggest concern" with the measure is the transition from letter grades to a system that may be more difficult for parents to understand.

"At the end of the day, parents deserve to know and understand how their child's school is performing," she said. "The best way to do that is through a transparent, objective school accountability system, and an A-F school grading system recognizes success and exposes failure in a way that everyone can understand."

Christy Hovanetz, the group's senior policy fellow, said letter grades also are used more commonly by states than any other type of accountability system for school districts. She said A-F systems can be clear and easily understandable.

<u>Rep. Andy Brenner</u> (R-Powell), the committee chairman, said he's heard from school administrators who are frustrated they cannot reproduce certain grades on the existing report card, which leads to a lack of faith in the system.

Ms. Hovanetz said the state needs to move toward a more transparent system if it wants the education community and public to buy into it.

"It's really challenging to get people to trust a system they don't know and don't understand," she said.

Even proponents of the legislation have raised concerns about the lack of changes to the state's accountability system, which is currently tied to the A-F report card.

Rep. Duffey said Tuesday he asked the Legislative Service Commission if they could map the accountability system to the underlying data from districts, as opposed to the letter grades. He said he hopes an amendment based on his request will be ready "sometime soon."

Rep. Duffey's proposal did receive support from groups representing career and technical educators at Tuesday's hearing.

Nancy Luce, superintendent of Upper Valley Career Center, who testified on behalf of the Ohio Association of Career and Technical Education, the Ohio Association of Career Technical Superintendents, and the Ohio Association of Compact and Comprehensive Career Technical Schools, urged approval. She said the existing system does not accurately reflect the performance of such institutions.

"When the State Board of Education and (Department of Education) developed the CTE report card, they lifted many of the components (and) requirements from the k-12 report card," she said. "As a result, we feel there is a skewed evaluation of our schools that does not accurately measure our success and progress."

The committee is expected to conduct the next hearing on the proposed legislation at 9:30 a.m. Wednesday.

Sponsor Details 'Cure Bill' Before Senate Committee

A House plan to financially incentivize the development of cures for diseases in addition to treatments had its first hearing in the Senate Tuesday as lawmakers probed for details on how the proposal would work in practice.

Known as the Cure Bill, the plan from Rep. Jim Butler (R-Oakwood) would create a multistate compact to provide financial prizes for the discovery of cures.

The measure passed the House 83-6 in March. During the committee process in the House, it drew some concerns from the pharmaceutical industry. (See Gongwer Ohio Report, February 14, 2018)

Current developments of medications tend to focus on finding treatments for diseases, rather than cures, because treatments guarantee the companies that develop them will be more likely to profit from them, the sponsor said.

"This is not the fault of the private companies, given the nature of our current economic system," Rep. Butler said. "They have a duty to shareholders to maximize profits, and they could never get as much return on investment from a cure as they can get from treatment. This is not to say developing treatments for diseases like AIDS is not a worthy endeavor, but that treatments are already incentivized in our current system are cures are not."

Publicly funded research is often designed to advance science, but tends not to focus specifically on curing diseases, he added.

Participating states would pledge five years of their savings from a disease's cure as a prize for research that cures certain diseases chosen by the compact, he said.

"The Cure Bill is a first-of-its-kind proposal," the sponsor said. "As with all new proposals, I'm sure there will be plenty of skeptics who will reflexively think it can't work simply because it doesn't sound like anything else currently being contemplated. In America, we do have the innovative capacity and resources to take on great challenges. I can think of no greater, more generous use of our collective financial resources and ingenuity than taking on the great challenge of curing major diseases."

Sen. Matt Huffman (R-Lima) asked if the proposal has been considered in other states.

Ohio would be the first state to pass it and is the first to introduce it, Rep. Butler said.

<u>Sen. Peggy Lehner</u> (R-Kettering) asked how the proposal defines a cure. That definition, Rep. Butler, said is up to the compact, but the therapy or procedure would have to cure the disease within one year.

Sen. Lehner asked what happens if a prospective cure eliminates all symptoms only for them to return years later. That would be determined by the compact, Rep. Butler said.

<u>Sen. Bill Beagle</u> (R-Tipp City) said the implication is that research comes down to a financial decision. He asked if research for treatments is an important step in the process of developing cures for a disease.

"What this bill does is it gives the financial incentive to do the second part," Rep. Butler said.

"This bill adds more incentive to the system," he added. "It doesn't take any away."

Sponsor Continues Push For Committee Vote On Submetering Bill

Rep. Mike Duffey (R-Worthington) is once again asking members of the House Public Utilities Committee to bring his legislation to regulate submetering to a vote.

The sponsor appeared before the committee Tuesday for the measure's sixth hearing to brief them on new changes in a substitute bill he's been working on. (See <u>Gongwer Ohio Report, May 3, 2018</u>)

The committee ultimately accepted the sub bill, an early version of which Rep. Duffey outlined for members back in February. (See <u>Gongwer Ohio Report, February 20, 2018</u>)

Outlining newly included changes, Rep. Duffey said the sub version gets the measure one step closer after negotiations with resellers, electric distribution utilities and consumer groups fell through. The utilities and advocate groups are supporting the legislation that would grant the Public Utilities Commission of Ohio new authority to regulate resellers, which are third party companies who mark-up utility costs.

"It's the same general premise heard before," Rep. Duffey said of the changes. "Within one year the PUCO is granted broad authority over resellers. The default is they are regulated like utilities but the PUCO may exempt them from things that don't apply to them."

Resellers, like Nationwide Energy Partners and American Light & Power, are against the measure and instead favor a Senate regulatory approach (SB 157) they view as more industry friendly. (See Gongwer Ohio Report, January 18, 2018)

New additions to the sub version include modifications to language permitting are seller to obtain a pricing restriction waiver - rather than the prior waiver from regulation - and provisions requiring the PUCO to adopt rules governing that waiver application process. (Comp Doc)

The sub version also adds several new provisions - in addition to the changes the sponsor previously outlined in February - including language:

- Giving an electric distribution utility the right of first refusal to build out facilities needed to serve individual end-use customers.
- Stating that a utility has the right to serve end-use customers in its service territory.
- Prohibiting a residential utility reseller from redistributing or reselling electricity purchased from a utility provider at a specific location or premises unless the utility waives certain rights.
- Requiring the PUCO to adopt rules governing the process for a utility to waive its right of first refusal to build distribution facilities to serve individual end-use customers in lieu of a residential utility reseller.

Tom Froehle, AEP's vice president of customer affairs, bemoaned the practice of reselling, criticizing those companies for marking up prices for their customers and lacking transparency. He said the presence of resellers also reduces utility footprints, thereby diminishing ability to invest in distribution system.

"This practice should stop and the PUCO should be able to promulgate submetering rules, to hear complaints regarding submetering companies, to order submetering companies to follow submetering laws or regulations, and to ensure orderly transition from submetering to public utility service for tenants," Mr. Froehle said.

"Every day this bill is delayed more customers get caught up into this unfortunate situation," Mr. Froehle added.

Rep. Mark Romanchuk (R-Mansfield) questioned why EDUs are seeking the right of first refusal language. "Why can't you compete and make your case and let the best vendor win?" he asked.

Mr. Froehle replied that if the law was amended to let AEP and its contemporaries operate under the same conditions as resellers he would support that. "That just means we wouldn't be regulated," he said. "(We'd be going) head to head."

He told Chairman Rep. Robert Cupp (R-Lima) the company could create an affiliate to operate in the same manner as resellers but that that would only "rip off customers more" and that "it's bad business."

Dave Robinson, representing the Utility Management and Conservation Association, provided interested party testimony in which he requested four amendments to the legislation. The association represents submetering companies which, unlike resellers, do not mark up the cost of utility service, with the only added cost being an administrative fee.

His proposed changes include modifying the definition of a third-party billing service to include those charging a "reasonable monthly administrative fee" regardless of whether it is charged as part of a standard monthly charge such as rent.

Additionally, he requested language be removed stating nothing in the relevant code section limits a municipality or local jurisdiction from limiting or prohibiting residential reselling - a change that he said would enable submetering companies to avoid having to negotiate with individual municipalities.

Other amendments he put forward include clarifying that submetering using the actual cost plus an administrative fee is permissible, and limiting the resale or billing of municipal and private water service to the actual cost plus an admin fee.

State Unveils Toolkit Aimed at Keeping Students Healthy; School Resource Officer Conference Scheduled; ODE recognizes Purple Star Schools

A collaborative effort by multiple state agencies led to the creation of the new School-Based Healthcare Support Toolkit.

The online <u>resource</u> includes answers to common questions and other material aimed at reducing chronic absenteeism related to student health issues.

The toolkit also offers resources for educators interested in developing partnerships with health care providers, as well as best practices for those collaborations. The Department of Education, Department of Health, Department of Mental Health and Addiction Services, Department of Medicaid and the Governor's Office of Health Transformation contributed the creation of the toolkit.

Conference: The 2018 School Resource Officer and DARE Officer Conference will run from June 25-27 at the Crowne Plaza in Dublin.

<u>Presentations</u> scheduled for the conference include a drug awareness update, a session on exceptions to search warrant requirements and a discussion on human trafficking involving minors.

Along with school resource and DARE officers, the event is open to school administrators, counselors and juvenile probation officers, among others.

Prospective attendees must register for the event by June 15.

ODE: The department announced Tuesday 33 additional schools have received the Ohio Purple Star Award, which honors schools that support students with family members who serve in the military.

"A supportive school environment can have a significant impact on our military-connected students, and we're happy to see such a great interest in this designation by Ohio's schools," Paolo DeMaria, the state superintendent of public instruction, said in a statement. "These Purple Star schools provide our children and families with the resources they need to be successful. We're thankful for their service and honored to continue the important work of improving services for Ohio's military families."

After earning the award, schools must reapply for the designation every two years. Past recipients of the honor can be found online.

Kent State: The University announced this week a donor has given \$2 million to fund a visiting director program within School of Theatre and Dance.

Along with the \$2 million gift, which endows the Roe Green Visiting Director Series in perpetuity, the Roe Green Foundation also gave KSU \$175,000 outright, according to a release from KSU.

"Roe's generosity is driven by her sincere passion for students," Kent State President Beverly Warren said. "Her support continues to have a profound impact on our students' lives and futures by creating purposeful opportunities for students to grow their talents under the tutelage of renowned directors. We are all thankful for Roe's generous and ongoing support to Kent State and our School of Theatre and Dance."

KSU first established the visiting director series in 2003. More than 800 students have participated in the program since its inception, according to the university.

"Seeing the wonderful evolution of the visiting director series over the years and its great benefit to the School of Theatre and Dance has been immensely rewarding," Ms. Green said. "I love to hear the stories of our talented Kent State students who earn themselves roles and positions on the national stage through the connections they make here with the visiting director. The series is intended to raise the profile of our fabulous program and its graduates, and I know that those positive outcomes will only grow from here."

Governor's Appointments

Ohio AMBER Alert Advisory Committee: Grace Moran of Columbus (Franklin Co.) for a term beginning May 22 and ending Feb. 6, 2019.

Supplemental Agency Calendar

Wednesday, May 23

Canceled: Pharmacy Board, Rms. South B&C, 31st Fl., 77 S. High St., Columbus, 8:30 a.m. (Special meeting on medical marijuana issues)

Thursday, May 24

Elections Commission, Rm. East B., 31st Fl., 77 S. High St., Columbus, 10 a.m.

Supplemental Event Planner

Tuesday, June 26

Ohio Department of Taxation public hearing on 2018 CAUV, 30 E. Broad St., 22rd Floor, Columbus, 10 a.m.

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Click the after a bill number to create a saved search and email alert for that bill.

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House Activity for Tuesday, May 22, 2018

INTRODUCED

HJRLEGISLATOR APPROVAL (Ramos, D.) Proposing to amend Section 15 of Article II of the Constitution 17 of the State of Ohio to require the affirmative vote of the Representative or Senator who represents a particular district in order to pass a bill that disproportionately affects persons, property, or activities in that district.

HJRLEGISLATIVE VACANCIES (Ramos, D.) Proposing to amend Section 11 of Article II of the 18 Constitution of the State of Ohio to require a vacancy in the General Assembly to be filled by holding a special election.

IMMIGRATION LAWS (Howse, S., Ramos, D.) To clarify a municipal corporation's authority to enact policies to effectively allocate its resources in order to satisfy municipal law enforcement needs and comply with federal immigration laws as appropriate. Am. 9.63 and to repeal section 9.63

HB COLLEGE STUDENTS (Ramos, D.) To require the establishment of a program to notify college students of eligibility for programs and services of the Departments of Job and Family Services and Medicaid. Am. 3333.0417

HB NALOXONE USE (Ramos, D.) To cease payments to a subdivision that materially hinders or prevents its personnel from carrying and using naloxone. Am. 9.64

HB ELECTION TIES (Ramos, D.) To require that if a tie occurs between candidates in an election, a special election be held to resolve the tie. Am. 705.32, 3501.01, 3501.17, 3505.33, 3505.34, 3505.35, 3505.36, 3505.37, 3513.22, and 3515.14 and to enact section 3505.331

HB HIGHER EDUCATION EXPENSES (Ramos, D.) To authorize a refundable income tax credit for the amount of undergraduate higher education expenses paid by or on behalf of a student to attend a public Ohio institution of higher education. Am. 5747.08, 5747.20, 5747.21, and 5747.98 and to enact section 5747.82

HB COMMITTEE BROADCASTS (Ramos, D., Retherford, W.) To require the Ohio Government Telecommunications Service to broadcast all standing committee meetings of the Ohio House of Representatives as they occur. Am. 3353.07

PUBLIC FACILITIES (Patton, T.) To authorize state agencies, state institutions of higher education, counties, townships, municipal corporations, school districts, community schools, STEM schools, and college-preparatory boarding schools to enter into public-private initiatives with a private party through a public-private agreement regarding public facilities. Am. 168.01, 168.02, 168.03, 168.04, 168.05, 168.06, 168.07, 168.08, 168.09, 168.10, 168.11, 168.12, 168.13, 168.14, and 168.15

HB PUBLIC NUISANCES (Hughes, J., Miller, A.) To add the accumulation of garbage and debris to the

- 669 conditions that may constitute a public nuisance. Am. 3767.41
- MUNICIPAL TAXES (Barnes, J.) To enact the "Simplified Alternative Withholding Tax Compliance Act" authorizing an employer to enter into an agreement with a municipal tax administrator to prescribe, subject to certain parameters, the portion of nonresident employee wages that will be subject to the municipal corporation's income tax. Am. 718.01, 718.011, and 718.03 and to enact section 718.032
- HB SCHOOL WATER (Barnes, J.) To require the Director of Environmental Protection to adopt rules establishing procedures and requirements governing annual testing of school drinking water for lead, to name this act the State Water Quality Act for Kids, and to declare an emergency. Am. 6109.122
- HB PUBLIC RECORDS (Barnes, J.) To create a procedure by which a person may obtain a court order to correct an error, omission, or legal defect in a public record, and to name the act the "Final Order Correction Act." Am. 149.46
- HB LEAD PAINT (Barnes, J.) To require the Director of Health to develop a program in partnership with paint manufacturers and retailers to provide low-cost paint for use in lead abatement and to establish a registry of residential units where lead poisoning has occurred. Am. 3742.11 and 3742.12
- BUS DRIVERS (Barnes, J.) To enact the Public Bus Driver Protection Act to increase the penalty for assault of a transit system employee and to authorize Ohio transit systems to post warnings regarding the assault of a transit system employee. Am. 2903.13 and to enact section 306.20
- HB TAX LEVY (Barnes, J.) To expressly authorize municipal corporations to impose an unvoted property tax levy not exceeding one mill per dollar of taxable value for the purpose of funding a local Hope for a Smile Program. Am. 705.06 and to enact section 749.40
- HB TRAFFIC NOISE (<u>Barnes</u>, <u>J.</u>) To require the Director of Transportation to conduct a traffic noise analysis and to construct noise barriers under specified circumstances. Am. 5517.06
- MENTAL HEALTH (Barnes, J.) To require the Department of Mental Health and Addiction Services to operate a demonstration program under which a mental health trauma center is established as part of a county hospital located in Cuyahoga County. Am. 5119.80
- PUBLIC RECORDS (<u>Barnes</u>, <u>J.</u>) To permit staff of the Ohio Legislative Service Commission to request public records on behalf of members of the General Assembly, and to permit the Commission to issue subpoenas for public records at the request of a General Assembly member. Am. 103.13 and to enact sections 103.171 and 103.26
- HB UNEMPLOYMENT BENEFITS (Barnes, J.) To prohibit a claimant's unemployment benefits from being reduced during any week that the claimant receives compensation for participating in a qualifying training course. Am. 4141.313
- HB SCHOOL BUSES (Barnes, J.) To require all passenger seats on school buses to be equipped with occupant restraining devices beginning on July 1, 2019, and to designate "Safe School Week." Am 5.49 and 4511.773
- HB COMMUNITY OUTREACH (Barnes, J.) To create the community outreach grant program fund and to 681 fund it temporarily with amounts diverted from the reparations fund. Am. 2743.191, 2743.70, 4503.234, and 4511.191 and to enact section 109.922
- **HB DENTAL HYGIENE** (Barnes, J.) To establish the Hope for a Smile Program through which buses are

- operated to offer dental hygiene services to Ohio schoolchildren and to fund the Program through a combination of cigarette and tobacco tax receipts, donations, and Medicaid and insurance reimbursements. Am. 5743.02, 5743.51, and 5747.01 and to enact section 3701.36
- HB VOTER REGISTRATION (Barnes, J.) To prohibit the cancellation of an elector's registration under a database maintenance program if the elector has a current and valid Ohio driver's license or state identification card and to require that this act be known as the Ohio Voting Rights Act for Licensed Voters. Am. 3501.05 and 3503.21
- HB COMPANION ANIMALS (Barnes, J.) To prohibit a person from knowingly allowing a companion animal to be tethered outdoors under specified circumstances. Am. 959.99 and to enact section 959.134
- HB DRONES (Barnes, J.) To regulate the operation of drones near airports and to impose certain recordkeeping requirements on retail sellers of drones. Am. 4561.50 and 4561.51
- DISTRESS COMMISSIONS (Barnes, J.) To enact the "Student Transformative Academic Restoration Act" to abolish academic distress commissions and to instead require the creation of community learning centers for poor performing districts, to establish an office of grants and philanthropic gestures within the Department of Education, to create the State Business Intervention Fund, to create a teacher education advancement program, and to modify earmarked appropriations for academic distress commissions. Am. 133.06, 3302.036, 3302.042, 3302.12, 3302.16, 3302.17, 3302.18, 3310.03, 3311.29, and 3314.102; to enact new section 3302.10 and sections 3301.132, 3301.41, 3313.361, and 3333.27; and to repeal sections 3302.10 and 3302.11 of the Revised Code; to amend Sections 265.10, 265.210, and 265.323 of H.B. 49 of the 132nd General Assembly and to repeal Sections 4, 5, and 6 of H.B. 70 of the 131st General Assembly
- BRIDGE NAMING (Rogers, J.) To designate the bridge spanning the Grand River that is a part of Fairport Road, in Lake County, as the "Col. Donald Blakeslee Memorial Bridge." Am. 5534.814
- PREGNANCY RESTRAINTS (Antonio, N.) To generally prohibit a law enforcement, court, or corrections official from restraining a pregnant woman or child who is a charged or adjudicated criminal offender or delinquent child at any time during her third trimester of pregnancy or during transport to a hospital, during labor, or during delivery and from restraining such a woman or child who was pregnant during any period of postpartum recovery. Am. 2921.45 and to enact sections 2152.75 and 2901.10
- HB NALOXONE USE (Antonio, N.) To require the State Board of Pharmacy to educate license holders about the law authorizing the dispensing of naloxone without a prescription. Am. 4729.01 and 4729.44
- HB ROAD NAMING (Ingram, C.) To designate a portion of Interstate 75 in Hamilton County as the Hamilton County Veterans Memorial Highway." Am. 5534.813
- HB SCHOOL PROPERTY LEASES (Ingram, C.) To allow school district boards of education to terminate for property leases with community schools when they change sponsors. Am. 3313.411
- HB PRISONER TRANSFERS (Patmon, B., Seitz, B.) To eliminate the ability of a sentencing court to disapprove a prisoner's transfer to transitional control if the prisoner is serving a term of imprisonment of two years or less. Am. 2929.20, 2930.03, 2930.06, 2930.16, 2967.12, 2967.19, 2967.26, 2967.28, and 5149.101
- **HB** FIREARM CERTIFICATIONS (Young, R.) To require a state certification to carry a firearm into a

- 693 school safety zone and to grant an income tax credit for school employees or contractors who have such certification. Am. 109.73, 109.78, 2923.11, 2923.122, 2925.01, 5747.02, 5747.08, and 5747.98 and to enact sections 109.781, 2923.27, and 5747.69
- <u>HB</u> CONTRACT LIMITATIONS (<u>Lang, G.</u>) To shorten the period of limitations for actions upon a contract. 694 Am. 2305.06 and 2305.07
- HB INDUSTRIAL PARK LOANS (Thompson, A., Edwards, J.) To reinstate the rural industrial park loan fund and to make an appropriation. Am. 122.26
- MILITARY AFFAIRS (Perales, R.) To establish the Office of Government and Military Affairs, and to authorize the Office to make loans to defense or NASA communities and grants to defense or NASA communities, defense or NASA support organizations, and certain state institutions of higher education. Am. 107.64, 107.65, and 107.66
- HB BEER SALES (<u>Lang, G., Perales, R.</u>) To create the F-12 liquor permit to allow a nonprofit organization to sell beer at events that benefit the nonprofit organization. Am. 4303.2011

HOUSE SPEAKER'S APPOINTMENTS

Delaware CountY Transportation Improvement District Board of Trustees: Rep. Carfagna

COMMITTEE HEARINGS

Ways & Means

HBSALES TAX REMITTANCE (Arndt, S.) To authorize small retailers to remit sales taxes when the retailer 545 receives payment from the purchaser if the payment is received after the purchased item is delivered or the service is provided. (CONTINUED; 2nd Hearing-Proponent)

Larry Fletcher, president of Lake Erie Shores & Islands, a partnership between the Erie and Ottawa County Convention & Visitors Bureaus, provided written testimony in support of the measure.

"My purpose in submitting testimony on this bill is not related to our organization's finances as we are not required to collect sales tax on any of the items we charge for. Our organization does however represent hundreds of tourism industry businesses, and in looking at the annual revenue and 'micro-business' criteria in this bill, a large percentage of the businesses we represent qualify and I believe would find great benefit from passage of H.B. 545," he wrote.

HB VOLUNTEER TAX CREDITS (Keller, C., Rezabek, J.) To grant income tax credits to persons who serve 575 as volunteer firefighters or emergency medical service technicians. (CONTINUED (See separate story); 2nd Hearing-Proponent)

HBTAX EXEMPTION (Antani, N.) To exempt from sales and use tax things purchased by an interstate 641 logistics business and used primarily to move completed manufactured products to the point from which they are shipped from a manufacturing facility and related power sources. (CONTINUED; 1st Hearing-Sponsor)

Rep. Niraj Antani (R-Miamisburg) said his bill would help increase Ohio's competitiveness given that Indiana already offers such tax relief for forklift purchases.

"These products used for transportation, such as forklifts, and their power sources are essential for companies to be able to move their products," he said. "The logistics industry in the Dayton area alone has a \$2.5 billion annual economic impact. If the sales tax were exempted, this number could increase greatly and further expand business opportunities in Ohio."

The sponsor said a "qualifying business" is "a person that is in the transportation and warehousing sector by the North American industrial classification system, and that is primarily engaged in the business of transporting tangible personal property in trucks to destinations outside this state." The exemption also covers powering or charging tangible personal property used in the transportation of tangible personal property, he said.

"Currently, Ohio only exempts sales tax on forklifts for manufacturing, while Indiana exempts the tax on both manufacturing and logistics. This puts Ohio's logistics industry at a severe disadvantage, as well as Ohio based forklift manufacturers and retailers," Rep. Antani said. "In order for our forklift retailers to remain competitive on a national scale, we need to be proactive in passing legislation that will put them on the same playing field as other states. HB641 will help give businesses in Ohio the same advantage that other states have already been benefitting from."

Rep. Antani noted that a similar provision was included in the biennial budget but vetoed by <u>Gov. John Kasich</u>. He told <u>Rep. Craig Riedel</u> (R-Defiance) that he assumed the governor was concerned about targeted tax breaks and revenue losses.

The sponsor was asked about the bill's application to power sources such as batteries and fuel cells and whether those might apply to the same systems used for equipment other than forklifts. He said he would review the language to make sure.

Rep. Antani said the tax break is especially needed in western Ohio, where he knows of businesses that go across the border to purchase forklifts and thus get that state's tax exemption. Rep. Gary Scherer (R-Circleville) asked whether the lawmaker knew if those businesses were paying the required state use tax on those purchases, to which the sponsor said he was unsure.

Asked about the current tax setup's specific fiscal impacts on businesses, Rep. Antani said he mostly has anecdotal data, but that "many major companies are crossing state lines to buy this product."

Rep. Scherer also questioned whether other equipment used by the warehousing and distributing sectors should also be exempted from taxes, such as pallets, racks and shelving. While stating that the bill targets forklifts in part because of the higher cost, Rep. Antani said he'd be willing to expand the tax break because he is supportive in general of tax cuts.

"You won't have an argument from me there," he said.

Finance

HBWATER SEWER SERVICES (<u>Duffey, M., Lanese, L.</u>) To penalize a municipal corporation for engaging in 602 certain actions related to its provision of water and sewer services outside of its territory by reducing or withholding payments the municipal corporation receives from the Local Government Fund and rendering the municipal corporation ineligible for state water and sewer development funds. (CONTINUED; 1st Hearing-Sponsor)

Rep. Mike Duffey (R-Worthington) and Rep. Laura Lanese (R-Grove City) said the measure is akin to a prior budget amendment that was vetoed by Gov. John Kasich. It would prohibit any municipality accepting state funding for water and sewer upgrades from discriminating against customers based solely on where they live.

Rep. Duffey said Ohio cities "routinely" charge township residents 50% or more above the cost other residents receive for water and sewer services.

"You also likely do not know that cities are withholding basic health needs like water and sewer as a means to force annexation or even forcing 'pay for play' without requiring annexation but instead demanding a permanent income tax revenue share, without offering services in return," Rep. Duffey told committee members.

Rep. Lanese said the issue impacts areas of the state in which residents can least afford to pay these "unconscionable rates."